

RULES OF THE  
HOUSE OF REPRESENTATIVES

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CLERK, DOORKEEPER, MESSENGER,  
AND SERGEANT-AT-ARMS

Rule 1. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of the office, to the best of his or her knowledge and abilities, and shall be deemed to continue in office until a successor is elected.

Rule 2. It shall be the duty of the messenger to attend to the wants of the House while in session, to aid in the enforcement of order, under the direction of the Speaker, and to execute the demands of the House from time to time, together with all such processes issued under its authority, as may be directed to the messenger by the Speaker.

The position of sergeant-at-arms of the House shall cease to exist as of the date of any vacancy in such office. Any member or members of the Uniform Division or Security Guard Division of the Department of Public Safety permanently assigned to special duty or personal security duty with the Speaker shall have full authority to maintain order in the House chamber, galleries, and anterooms; to exercise any authority granted under other provisions of these rules to the sergeant-at-arms; and to exercise any other authority heretofore exercised by the sergeant-at-arms, in cooperation with the officers and employees of the House and any law enforcement personnel.

Rule 3. The Speaker shall have the power to suspend the messenger and doorkeeper for misconduct or neglect of duty. The Speaker shall report any such suspension to the House within 24 hours thereafter for such action as the House may deem advisable.

Rule 4. If the doorkeeper or messenger dies or is unable to perform the duties of the office while in office, the Speaker shall appoint a successor who shall serve for the remainder of the term of off

COMMITTEE ORGANIZATION  
AND FUNCTIONING

Rule 5. The Speaker shall appoint the following standing com

- (1) Administrative Services.
- (2) Agriculture and Consumer Affairs.
- (3) Appropriations.
- (4) Arts and Humanities.
- (5) Banks and Banking.
- (6) Children and Youth.

- (7) Defense and Veterans Affairs.
- (8) Economic Development and Tourism.
- (9) Education.
- (10) Ethics.
- (11) Game, Fish, and Parks.
- (12) Governmental Affairs.
- (13) Health and Ecology.
- (14) Higher Education.
- (15) Human Relations and Aging.
- (16) Industrial Relations.
- (17) Insurance.
- (18) Interstate Cooperation.
- (19) Intragovernmental Coordination.
- (20) Journals.
- (21) Judiciary.
- (22) Legislative and Congressional Reapportionment.
- (23) Motor Vehicles.
- (24) Natural Resources and Environment.
- (25) Public Safety.
- (26) Public Utilities.
- (27) Regulated Beverages.
- (28) Retirement.
- (29) Rules.
- (30) Special Judiciary.
- (31) State Institutions and Property.
- (32) State Planning and Community Affairs.
- (33) Transportation.
- (34) Ways and Means.

Rule 6. Members of all committees provided for in these rules shall be appointed by the Speaker, unless otherwise ordered by the House. In the

Speaker's discretion, the Speaker may create one or more subcommittees within any standing committee and constitute the membership of

No member of the House shall be appointed to or serve on less than two or more than three standing committees of the House, with the exception of the Committee on Ethics, the Committee on Interstate Cooperation, and the Committee on Intragovernmental Coordination.

The Speaker shall be an ex officio member of all standing committees of the House, but the Speaker shall have no vote as an ex officio member except on the Committee on Rules.

The chairman and vice chairman of the Committee on Appropriations shall be ex officio members of the Committee on Ways and Means, and the chairman and vice chairman of the Committee on Ways and Means shall be ex officio members of the Committee on Appropriations. The majority whip and the minority whip shall be ex officio members of the Committee on Ways and Means. Such ex officio members shall have a vote on such committee

The Speaker shall appoint a chairman, a vice chairman, and a secretary for all standing committees and for all subcommittees created by the Speaker. The Majority Leader and the Minority Leader shall be members of the Committee on Rules. Each such leader must be certified as such by his or her party caucus chairman to the Speaker of the House and to the Clerk of the House.

Except for the Committee on Rules and the Committee on Interstate Cooperation, a member shall have the right to remain on the committee to which the member is appointed so long as he or she is a member of the House. If a member desires to change committees, such member may make a request to the Speaker. If a change can be accomplished, the Speaker is authorized to make such change. After the announcement of the standing committees, no other members shall be placed thereon, except as provided in this rule, and except that, when members have been elected to fill vacancies caused by death or otherwise, the Speaker may assign such members to such committees as the Speaker may see fit, and the Speaker may fill any vacancy in the offices of chairman, vice chairman, or secretary.

Rule 7. Each committee or subcommittee shall first meet upon the call of the chairman and perfect its organization. After the organizational meeting, each committee or subcommittee shall meet upon the call of its chairman. The vice chairman may call a meeting of the committee or subcommittee if the vice chairman obtains a certificate from the Speaker certifying that the chairman is incapacitated or if he or she is directed by the chairman to call the meeting to consider such measures as specified by the chairman. Each subcommittee shall be subject to the will of its parent standing committee and the officers thereof. No bill shall be reported to the House until it has been acted upon by the standing committee, and all actions of any subcommittee shall be approved or disapproved by the standing committee.

The secretary of each standing committee or subcommittee shall keep minutes of the meetings of the committee or subcommittee, as directed by the chairman. These records shall be available to any member of the House, and shall be matters of public record.

Rule 8. Except as provided in this rule, all meetings of any committee or subcommittee of the House, including interim committees, shall be open to the public. By a majority vote of a quorum of a committee or

subcommittee, a meeting may be closed to the public when the committee or subcommittee is (1) discussing the future acquisition of real estate, (2) discussing the appointment, employment, or dismissal of a public officer or employee or disciplinary action against such officer or employee, or (3) hearing complaints or charges brought against a public officer or employee, unless the officer or employee requests that the meeting be open to the public.

Rule 8.1. When the House provides for the recording or transcribing of its proceedings during any of its sessions or the House or any committee or subcommittee thereof provides for the recording or transcribing of proceedings of such committee or subcommittee during any meeting thereof which is open to the public, copies of such recordings or transcriptions shall be made available to the public upon request and payment of the reasonable costs of supplying copies of such recordings or transcriptions, whether such recordings or transcriptions are written or typed or are audio, visual, or audio-visual records of such proceedings.

Rule 9. No standing or interim committee or subcommittee of the House of Representatives shall officially meet at any place within the state where any citizen of the state is denied admittance on the basis of religion, race, creed, nationality, or sex or on property belonging to any private club, organization, or association in which any citizen is denied membership on the basis of religion, race, creed, nationality.

Rule 10. The Committee on Journals shall, before auditing the account of any member for expenses as a committee member, or any account prescribed by a member for any expense incurred in discharge of any duty as a member of the House, require of such member an itemized statement of such account, supported by proper vouchers, for each item of such

Rule 11. If a majority of the members of the House whose districts are wholly or partially located within a political subdivision shall file with the chairman of the Committee on State Planning and Community Affairs their own rules as to the number of Representatives who must sign proposed legislation affecting that political subdivision before it will be favorably reported by the Committee on State Planning and Community Affairs, the committee shall observe such rules in considering such legislation. Otherwise, the committee shall not favorably report any legislation affecting a political subdivision unless all of the Representatives whose districts are wholly or partially located within the political subdivision shall sign such legislation.

No local bill or resolution referred to the committee shall be released to any person, including members of the House, except upon the condition that such person shall return the bill or resolution to the chairman of the Committee on State Planning and Community Affairs within six hours of the chairman's request to do so.

ADMISSION TO THE CHAMBER AND  
GALLERY AND DECORUM THEREIN

Rule 12. No person shall be entitled to enter upon the floor of the House except (1) members and officers thereof, (2) members and officers of the Senate, (3) the Governor of the state, (4) staff members of the Office of Legislative Counsel, (5) staff members of the Office of the Legislative Budget Analyst, (6) members of the news media and their photographers, all

of whom must bear proper credentials and must comply with this rule, and (7) such others as the House may allow upon recommendation of the Committee on Rules. Seats and spaces in the news media sections shall be assigned and designated by the Speaker. Only those members of the news media with proper credentials shall enter upon the floor of the House of Representatives. No interview shall be conducted on the floor of the House of Representatives while the House is in session. Reporters for print media and radio stations and television reporters when no cameraperson is present shall have access to the floor of the House of Representatives only to request that a member leave the floor for an interview. Still photographers and television camerapersons shall have access to the floor of the House of Representatives while the House is in session unless, in the discretion of the presiding officer, the number of still photographers or television camerapersons is excessive or unless, in the discretion of the presiding officer, still photographers or television camerapersons are creating a disturbance or disruption, at which time they may be removed by the presiding officer. Nothing in this paragraph shall be construed to prevent television reporters and camerapersons to be in that portion of the House designated for television and known as the "television bullpen."

Identification cards, signed by the Speaker and attested by the Clerk, shall be issued to all persons entitled to privileges of the floor under this rule.

The doorkeeper of the House is specifically charged with the duty of enforcing this rule.

The right is automatically reserved to the Speaker to refuse the issuance of or to revoke cards requested or issued to nonmembers of the House and Senate and, thereby, prohibit admittance.

Spouses and children of the members of the House may be admitted on the floor of the House, provided they shall not be seated at the desk of any member; provided, further, that no child under the age of 12 years shall be admitted on the floor except for the purpose of posing for photographs with a member, and provided, further, that after such activity the child shall immediately leave the floor.

No person shall be admitted on the floor of the House who is engaged in lobbying or who is attempting to influence legislat

No member or any other person entitled to the privileges of the floor shall be permitted to enter upon the floor of the House while in an intoxicated condition or while under the influence of drugs listed in the Georgia Controlled Substances Act. The messenger, sergeant-at-arms, and doorkeeper of the House are specially charged with the rigid enforcement of this rule.

Except for the presentation of the chaplain and the doctor of the day, no member shall be recognized for the purpose of introducing visitors in the gallery or on the floor of the House. The Speaker shall not recognize the presence of visitors in the gallery unless the Speaker deems their presence to be of such importance as to outweigh the value of continuing the business of the House. No person who is not a member of the House shall be recognized to speak unless such person shall have first been so invited by the adoption of a resolution on or before the previous day. Any person who has been invited to speak before the House as a result of the adoption of a resolution shall not address the House until

the period after the conclusion of the third reading of bills and resolutions or immediately after the House reconvenes after any recess and prior to the transaction of any other business, except that the Speaker shall have the discretion to waive this restriction when warranted by the prominence of the person or the significance of the occasion.

Rule 13. When the House is in session, Representatives shall conduct themselves at all times with dignity and in a manner to ensure decorum in the deliberations of the body and shall be called to order by the Speaker for activities to the contrary, including eating at desks, reading newspapers and other materials not pertinent to legislation, unnecessary conversation, and inappropriate dress.

The members of the House shall refrain from private conversations and shall preserve silence when another member has the floor and is speaking.

There shall be no smoking in the House of Representatives chamber or in the House anteroom on the north side of the House chamber while the House is in session, or in any committee or subcommittee meeting thereof. There shall be no smoking in the restrooms on the north side of the House chamber while the House is in session.

Rule 14. Applause, hisses, or other noises in the House chamber, in the gallery, or in the lobbies during any speech or legislative proceeding shall be promptly suppressed. Placards, displays, banners, and signs are prohibited and shall be removed promptly.

The possession or use of video cameras, movie cameras, and similar devices in the gallery or in the lobbies during any speech or legislative proceeding is prohibited unless expressly authorized by the Speaker.

The Speaker shall have the power to cause the galleries and lobbies of the House to be cleared by the messenger, sergeant-at-arms, or doorkeepers in case of disturbance or disorderly conduct therein. The Speaker shall have the power to cause any person so offending to be arrested and brought before the bar of the House in order to be dealt with for contempt of the House.

Rule 15. No person shall enter the gallery of the House chamber unless such person has been issued a card by the Speaker authorizing such person to enter the gallery. Such card must be signed by the Speaker and must be displayed by such person to the doorkeeper of the gallery. The Speaker is authorized to revoke any such card.

#### SPEAKER'S POWERS AND DUTIES

Rule 16. The Speaker shall vote in all cases of election by the House. In other cases the Speaker shall not vote unless the House shall be equally divided or unless the Speaker's vote, if given to the minority, will make the division equal. In case of such equal division, the question shall be lost. But in all cases where a fixed constitutional vote is required to pass the matter under consideration and the matter lacks only one vote to pass, the Speaker shall vote; and the Speaker's vote shall be counted the same as that of any other member.

Rule 17. All questions as to the priority of business to be acted on shall be decided by the Speaker without debate.

Rule 18. When two or more members rise at the same time, the Speaker shall name the member to be recognized.

Rule 19. The Speaker shall, in the Speaker's discretion, suspend irrelevant debate and command silence whenever the Speaker deems it necessary.

Rule 20. At any time the Speaker may order the roll called on any question and take the vote by yeas and nays unless otherwise ordered by the House.

Rule 21. The Speaker shall assign seats to the members. Members who were members during the last regular session of the House shall have the right to retain the seats which they held during such last regular session.

Rule 22. The Speaker of the House shall administer the oaths required of the subordinate officers of the House.

Rule 23. During a day's session, the Speaker or Speaker Pro Tempore when acting as Speaker may name any member to perform the duties of the chair during any part of that day. Whenever the Speaker is not presiding, the Speaker may be recognized at any desk.

Rule 24. Whenever, from any cause, the Speaker is absent at the beginning of a daily session, the Speaker Pro Tempore shall preside. If both are absent, the Clerk of the House shall call the House to order and shall preside until the election of an acting Speaker Pro Tempore. Such election shall be the first business of the House. The acting Speaker Pro Tempore thus elected shall preside until the return of one of the first named officers, at which time his or her functions shall cease.

Rule 25. If the Speaker Pro Tempore becomes Speaker pursuant to the provisions of Article III, Section III, Paragraph II(b) of the Constitution of the State of Georgia of 1983, the procedure provided in this rule for the election of a Speaker shall be followed.

If the Speaker Pro Tempore becomes Speaker during a regular session of the General Assembly and there are at least six legislative days remaining in such session, the election for Speaker shall be held within five days after the Speaker Pro Tempore becomes Speaker. Such election shall be held on a date and at a time to be designated by the Speaker Pro Tempore who has become the Speaker. Except as provided in this rule, if the Speaker Pro Tempore becomes Speaker at any other time during the two-year term, the Speaker Pro Tempore shall call an election to be held within 30 days after he or she becomes Speaker. Such election shall be held on a date and at a time to be designated by the Speaker Pro Tempore who has become the Speaker. If the Speaker Pro Tempore becomes Speaker at a time when there are 60 days or less remaining in the two-year term, the Speaker Pro Tempore shall continue to serve as Speaker until the convening of the General Assembly for the next regular session. Any election provided for in this rule shall be held in the chamber of the House of Representatives at the state capitol.

PROTEST AND APPEAL

Rule 26. Should any member of the House be dissatisfied with the ruling of the Speaker on any point, such member shall rise and respectfully address the Speaker and say: "I appeal from the decision of the chair." The Speaker will then state to the House the point ruled on and the Speaker's decision on it. Debate on the correctness of the ruling shall be limited to 20 minutes. The Speaker shall put the question of appeal to the House for a vote. The ruling of the Speaker shall be sustained unless overruled by the vote of a majority of those voting, provided the total voting shall constitute a quorum. All appeals from the decision of the chair shall be made immediately, and no appeal shall be in order after other business has intervened from the time of the alleged error of the chair and before the appeal is sought. Any member may have entered on the journal a protest in writing based on any ruling so made. Said protest shall clearly and succinctly set forth the grounds of such protest and shall not exceed 200 words. It shall not impugn the motive of the House or any member thereof.

GENERAL BUSINESS AND ORDER OF BUSINESS

Rule 27. The following shall be the order of business:

- (1) Call of the roll.
- (2) Scripture reading and prayer by the chaplain.
- (3) Pledge of Allegiance to the Flag of the United States of
- (4) Report of the Committee on Journals.
- (5) Confirmation of the journal.
- (6) Unanimous consents.
- (7) Introduction of bills and resolutions.
- (8) First and second readings and reference of House bills and resolutions.
- (9) Report of standing committees.
- (10) Third reading and passage of uncontested local bills and resolutions.
- (11) First and second readings and reference of Senate bills and resolutions.
- (12) Unfinished business of previous session.
- (13) Orders of the day.
- (14) Senate amendments to House bills and resolutions and reports of conference committees.
- (15) Motions to reconsider.
- (16) Notices of points of personal privilege.



(17) (A) When applicable, third reading of resolutions on the uncontested resolutions calendar; and

(B) Other bills and resolutions for third reading.

(18) Points of personal privilege.

Rule 28. It shall be the duty of the Committee on Journals to read the journal of each day's proceedings and report to the House that the same is correct.

The reports of the Committee on Journals may be made at any time.

Rule 29. (a) The Committee on Rules shall arrange and fix the calendar for each day's business for the last 30 days of each regular session of the General Assembly. The rules calendar for each such day shall be set by the Committee on Rules on the legislative day prior to the legislative day on which the calendar shall be before the House. Copies of such calendar shall be printed and made available to the members of the House as quickly as is practicable following the setting of the calendar. Such calendar shall be a standing and continuing special order during such period. There shall be no debate on the adoption of the calendar of the Committee on Rules. The provisions of this rule concerning the time for setting of the calendar may be waived by majority vote of the members elected to the House; and in that event the Committee on Rules may meet at any time to set a rules calendar or supplemental rules calendar.

(b) There shall be a separate section at the beginning of each day's rules calendar known as the uncontested resolutions calendar. All resolutions referred to in this subsection (b) which are approved by the Committee on Rules for placement on the rules calendar shall be placed on the uncontested resolutions calendar unless otherwise ordered by the committee. When considered by the full House, all resolutions on the uncontested resolutions calendar shall be voted on as a group and without debate; except that any member of the House shall have the right to have any resolution on the uncontested resolutions calendar removed therefrom and placed on the general rules calendar, in which case it shall be subject to consideration in the same manner as any other bill or resolution on the general rules calendar. Resolutions for placement on the uncontested resolutions calendar shall include only: (1) resolutions establishing study committees and other similar bodies; and (2) commemorative resolutions which name or rename roads, streets, highways, parks, bodies of water, bridges, institutions, buildings, structures, and other geographical landmarks.

Rule 30. Every motion to make special orders shall be submitted in writing to the Committee on Rules and reported upon by the committee before being submitted to the House.

Rule 31. Any motion to suspend or change the rules or change the order of business shall be decided without debate, provided that, whenever a report from the Committee on Rules is submitted to the House, the questions arising on the report shall be debatable until the report of the committee is agreed to or disagreed to or the main question is

Rule 32. The report of the Committee on Rules is in order at any time when the House is not actually engaged in other business.

Rule 33. No rule shall be temporarily suspended or temporarily changed nor the order of business changed except by unanimous consent or by an affirmative vote of two-thirds of the members to which the House is entitled.

Rule 34. No amendment or addition to these rules shall be made unless such proposed amendment or addition is first referred in writing to the Committee on Rules and reported back to the House where it may then be adopted by affirmative vote of a majority of the members to which the House is entitled. However, the rules may be temporarily suspended as provided in Rule 33 without referral to the Committee on Rules.

Rule 35. The roll call at the opening of each session of the House shall not be dispensed with except by a vote of a majority of the members voting or by unanimous consent. The motion to dispense with the roll call shall be decided without debate. The electric roll-call system may be used to call the roll by the members using the "aye" switch to signify their presence.

Rule 36. When a message is sent to the House of Representatives, it shall be announced at the door of the House by the doorkeeper and be respectfully communicated to the chair by the person through whom it may be sent.

Messages may be received at any time while the door is open except while a question is being put or a ballot or viva voce vote is being taken. A message shall be presented to the House by the Speaker when it is received or thereafter according to its nature and the business in which the House is engaged; or its consideration may, on motion, be ordered by the House.

Rule 37. Notices of points of personal privilege shall be made immediately prior to the reading of bills and resolutions for the third time, shall not exceed 1 minute in length, and shall be limited to informing the membership of the subject matter of his/her remarks to be made at the designated points of personal privilege time as provided for herein. Questions of privilege shall be those affecting the rights, safety, and dignity of the House collectively and the integrity of its proceedings; and the rights, reputation, and conduct of members individually, in their representative capacity only. No member in exercising such privilege may assassinate the character or personal integrity of another member. Questions of privilege shall have precedence over all other questions except a motion to adjourn, provided that, when any matter is pending before the House, no question of personal privilege shall be acted on until disposition is made of the pending question. No member shall be allowed to rise on a point of personal privilege except to give notice as provided for in No. 16 of Rule 27 until after the third reading of bills and resolutions unless otherwise ordered by a majority of a quorum voting. The remarks of each member rising on a point of personal privilege shall be limited to a maximum of ten minutes on that point, but this time limit may be waived at the discretion of the Speaker or by a majority of a quorum.

Rule 38. Every motion for information from the executive department or any other department of the state government shall be considered on the same legislative day on which it is made except that, by a vote of a majority of the members elected, such motion may be postponed for consideration until the next legislative day after the day on which such motion is made, but no later.

Rule 39. The House shall convene daily at 10:00 A.M. unless otherwise ordered by the House. The hour of adjournment shall be fixed by a majority of the House, on motion without debate.

Rule 40. No member shall take any books or papers from the possession of the House or Clerk without first notifying the Clerk and giving the Clerk a receipt to return such books or papers in a reasonable time or on demand by the Clerk.

Rule 41. No general bill or resolution shall be released to any person, including members of the House, except upon the condition that such person shall return the bill or resolution to the Clerk or to the chairman of the committee to which it was referred within six hours of the request of the Clerk or chairman to do so.

Rule 42. A motion objecting to the reading of any paper shall be determined by a vote of the House without debate.

#### QUORUM AND ABSENTEES

Rule 43. The power to compel the attendance of members, in order to keep or secure a quorum, shall be vested in the Speaker. The Speaker may have the doors of the House closed and when the doors are closed, no member shall be allowed to retire from the House without first obtaining leave from the Speaker.

The messenger, doorkeeper, and sergeant-at-arms of the House, on order of the Speaker, may arrest any absentees and bring them before the House when necessary to secure a quorum.

Rule 44. Whenever the result of a vote taken shall disclose the fact that no quorum of the House is present or when the Speaker shall officially state the fact to the House, it shall be in order for any member to make a motion for a call of the House. When such motion is made, the Speaker shall state the question as follows: "Shall the motion for the call of the House prevail?" If one-fifth of the members present shall vote in the affirmative, the Speaker shall order the Clerk to call the roll of members and the absentees shall be noted. The doors shall then be closed, after which the names of the absentees shall again be called. By order of the majority of the members present, those who do not appear and who are absent without leave may be sent for and arrested wherever they may be found by the messenger, doorkeeper, or sergeant-at-arms, and their attendance secured. The House shall determine upon what conditions they shall be discharged.

Rule 45. Upon the call of all the members, the names of the absentees shall be noted by the Clerk and shall appear upon the journal. It shall be the duty of the Clerk to keep a separate list of the absentees from each day's proceedings. Such list shall be entered upon the journal. The list shall show which absentees are absent without leave, which are absent with leave, which are absent for providential causes, and which are absent for business reasons.

## INTRODUCTION AND READING

Rule 46. No bill or resolution having the effect of law shall be introduced unless the same shall have been filed in the office of the Clerk not later than one hour after the time of adjournment on the previous day.

Whenever any bill or resolution having the force and effect of law is filed with the Clerk, it shall be read for the first time on the succeeding day and such day shall be deemed to be the date on which the bill was introduced. Any bill or resolution requiring three readings prior to its passage shall then automatically be read for the second time on the legislative day following the day on which it is introduced. There shall be no debate on the first or second reading of any bill or resolution requiring three readings prior to its passage.

Rule 47. When introducing a bill or resolution, a member shall file an original and one copy with the Clerk. All bills and resolutions shall be typed, printed, or otherwise duplicated and the name and district of the member introducing the same shall be on the back thereof. The title or a brief summary thereof shall also appear on the back. No member shall sign any bill or resolution as a cosponsor thereof without the consent of the sponsor who first signs the bill or resolution.

Rule 48. Any bill or resolution relating to or affecting state revenues, general taxation, pari-mutuel wagering, alcoholic beverages, water resources, or hazardous wastes shall not be deemed to be a local or special bill or resolution but shall be treated as a general bill or resolution.

Rule 49. As soon as possible after any bill or resolution of general application is filed in the Clerk's office, the Clerk shall cause the same to be printed. When such bill or resolution is placed on the general calendar, the Clerk shall distribute a copy thereof to each member of the House. Whenever any such bill or resolution of general application shall be reported back by the committee to which it was referred with the recommendation that it do pass as amended or that it do pass by substitute, the Clerk shall cause the recommended amendment or substitute to be printed and copies thereof to be distributed to each member. No bill or resolution of general application shall be considered by the House unless copies of the same and any committee amendments or committee substitute shall have been printed and distributed to the members prior to consideration for passage. The House may at any time by a vote of a majority of those voting, provided the total vote constitutes a quorum, suspend action upon any pending bill or resolution of general application until all amendments, or substitutes, or both offered thereto on the floor shall have been printed and distributed to the members.

Rule 50. All bills and resolutions on the calendar shall be called as directed by the Speaker or by the House. However, the general appropriations bill shall have precedence on the third reading over all other matters, even special orders, until final disposition of such bill.

Rule 51. It shall be the duty of the Clerk to place on each bill and resolution, as it is read the first time, a number following the numerical order in which such bills and resolutions are read the first time. Before reading any bill or resolution the second or third time, the Clerk shall distinctly state its number and the name of the member by whom it is introduced.

INTRODUCTION AND READING  
CONSIDERATION OF BILLS AND  
RESOLUTIONS IN COMMITTEE

Rule 52

Rule 55

Rule 52. A notice of a motion to engross a bill or resolution may be made prior to or upon reading the bill or resolution the first time, and at no other time. Such notice shall be made in writing and shall be provided to the Clerk; and the Clerk shall announce such notice upon the first reading of the bill or resolution. Following the giving of such notice, a motion to engross a bill or resolution may be made upon reading the bill or resolution the second time, and at no other time. When a motion to engross is made, no debate shall be permitted, except that the movant may speak to his or her motion not longer than five minutes and any one other member of the House may speak in opposition thereto for five minutes. No bill or resolution shall be engrossed except upon the affirmative vote of a majority of the members to which the House is entitled, or except by unanimous consent. In case of engrossment of any bill or resolution, the entry thereof shall be made by the Clerk and the bill or resolution shall not be amended or changed in any manner thereafter.

CONSIDERATION OF BILLS AND  
RESOLUTIONS IN COMMITTEE

Rule 53. Upon the introduction of any bill, resolution, or other matter, requiring reference to a committee, the Speaker shall as a matter of course and without debate assign the same to an appropriate committee, unless otherwise ordered by the House.

All resolutions providing for appointment of committees of inquiry or investigation and any or all other resolutions which are not privileged, except motions for information from the executive department and any other department of the state government, shall be referred by the Speaker to the appropriate committee.

Except as provided in this rule, every privileged resolution shall be referred to a committee. It shall not be necessary, however, to refer to a committee a privileged resolution which commends, congratulates, or extends condolences or which is of a similar nature. The presiding officer shall determine whether a resolution is privileged and shall determine whether it is to be referred to a committee.

A committee may act upon a bill, resolution, or other matter when the House is in session or on a day on which the House is not in session during a recess or adjournment after the opening day of a regular session and prior to the last day of a session. When a committee so acts during a day of recess or adjournment, the Clerk of the House may accept the report of the committee on such day, and the committee report shall be received and read by the House on the next day when the House is in session. A committee may not take official action after the adjournment sine die of a session and prior to the convening of the next :

Rule 54. No Committee of the Whole House or other committee shall deface or interline a bill, resolution, or other paper referred to the committee but shall report any amendment recommended on a separate paper, noting the section, page, or line to which the amendment relates. No person shall write upon or mark upon the original bill, resolution, or other paper in any manner.

Rule 55. All reports of a committee shall be in writing. The minority of a committee may make a report in writing, setting forth succinctly the

CONSIDERATION OF BILLS AND  
RESOLUTIONS IN COMMITTEE

Rule 55

COMMITTEE OF THE WHOLE HOUSE

Rule 59

reasons for its dissent. Wherever practicable, each committee shall include with its report on each general bill or resolution a brief resume of the bill. If the committee shall so order, the Clerk shall have the majority report printed and distributed to the members of the House. If a minority report is written, and a majority of the minority of the committee shall so order, the Clerk shall have the minority report printed and distributed to members of the House.

Rule 56. In cases where the report of a committee is favorable to the passage of a bill or resolution or the bill or resolution is reported without recommendation, the same shall be passed to a third reading without question. If the report of a committee is adverse to the passage of a bill or resolution, the question shall be on agreeing to the report of the committee. However, House and Senate bills and resolutions adversely reported shall not be taken up except by request of a member of the House. Such request must be made not later than adjournment of the next legislative day following the unfavorable committee report. In such case, the motion to disagree shall be placed on the calendar. If the report of the committee is agreed to, the bill or resolution shall be lost. If the report of the committee is disagreed to, the bill or resolution shall be put on the general calendar unless the bill or resolution is recommitted.

Rule 57. If a bill or resolution has been referred to and reported by more than one committee or has been reported and recommitted to the same committee, the last committee report shall be acted on by the House. In all cases, the report of the Committee of the Whole House shall be first acted on by the House.

Rule 58. Whenever any bill or resolution has been referred to a committee and the committee has held the bill or resolution in its custody for ten legislative days without reporting on it, any member of the House shall have the right to initiate a petition for discharge of the bill or resolution. Such petition shall be in such form as shall be designed by the Clerk of the House. If the petition is signed by two thirds of the members of the House, as set out below, the petition shall be filed by the initiating member with the Clerk of the House, and the effect shall be the same as a report of the committee favorable to the passage of the bill or resolution. The bill or resolution shall then take its place on the general calendar in the same manner as a measure favorably reported by a committee. During the last 25 days of the session, and provided a bill or resolution has been on the general calendar in the Rules Committee at least 5 days, a bill or resolution can be placed on the rules calendar by a petition signed by two thirds of the members of the House as provided for herein.

Any motion or resolution to set a special order or to change the order of business for any particular day which has been referred to the Committee on Rules may be held in the custody and control of such committee for only three days.

COMMITTEE OF THE  
WHOLE HOUSE

Rule 59. All appropriation bills shall be considered in the Committee of the Whole House.

Rule 60. The Speaker may resolve the House into a Committee of the Whole House without a motion being made therefor.

Rule 61. On motion of a member, the House may resolve itself into a Committee of the Whole House by a majority of those voting, provided that the total vote constitutes a quorum, if notice of intention to make such motion has been given during the session of the preceding day. Individual speeches on such motion shall be limited to three minutes. If such notice has not been given, the motion shall prevail if it receives the affirmative votes of two-thirds of those voting, if the two-thirds constitutes a majority of all of the members elected to the House. Whenever the House, either by its own vote or by unanimous consent, commits any bill or resolution to the Committee of the Whole House and, subsequently, a motion is made to resolve the House into a Committee of the Whole House to consider such bill or resolution and such motion is lost, the motion shall not be renewed. It shall be the duty of the Speaker to require the Clerk to read the bill or resolution again at the following day's session under the order of introduction of new matter or reading of bills the first time. The Speaker shall then refer such bill or resolution to the appropriate committee unless otherwise ordered by the House. However, for the consideration of the general appropriations bill, the House may, on motion of a member, resolve itself into a Committee of the Whole by a majority of those voting, provided the total vote constitutes a quorum, and no previous notice shall be necessary.

Rule 62. In forming a Committee of the Whole House, the Speaker shall appoint a chairman to preside in committee and shall leave the

Rule 63. The Committee of the Whole House shall not proceed with the business before it whenever a vote on any question discloses the fact that no quorum of the House is present. Whenever it is suggested that a quorum is not present, the chairman of the committee shall determine such fact by actual count of the committee and shall report the same to the committee. If no quorum is present, the chairman shall, on his or her own motion, order that the committee immediately rise and the chairman shall report the absence of a quorum to the House.

Rule 64. The rules of the House shall be observed by the Committee of the Whole House, so far as they may be applicable, except that the Committee of the Whole House can not: (1) refer a matter to any other committee; (2) adjourn; (3) enforce the previous question; (4) consider a motion to lay on the table or to indefinitely postpone; (5) limit the number of times a member may speak; (6) consider a call of the House; and (7) take votes by yeas and nays.

Rule 65. A motion to reconsider shall be in order in the Committee of the Whole House.

Rule 66. In the Committee of the Whole House, the Speaker may take part in the proceedings; and the Speaker, as well as all other members, shall vote on all questions before the committee unless the Speaker is excused. No pairing of members shall be recognized or allowed in the Committee of the Whole House.

Rule 67. In the Committee of the Whole House, any papers in the possession of the House may be called for by any member and read by the Clerk for the information of the committee unless the committee shall otherwise order.

Rule 68. The chairman of the Committee of the Whole House shall have power to have the galleries or lobbies cleared in case of any disorderly conduct therein and shall have the same powers as the Speaker under Rule 81.

Rule 69. A Committee of the Whole House can not punish disorderly conduct of its members but must report the same to the House for action thereon.

Rule 70. If, at any time in the Committee of the Whole House, it shall be desired to close the debate, or to limit the time allowed members for speaking, the committee may rise and report its desire to the House, and the House shall take such action thereon as it may see fit.

Rule 71. If a Committee of the Whole House, for want of time, fails to complete any matter under consideration at any sitting, it may, on motion and at any time, recess and reconvene.

Rule 72. A motion "that the Committee of the Whole House rise, report progress, and ask leave to sit again" may be made at any time when the movant can legitimately obtain the floor. Such motion shall take precedence over all other motions and shall be decided without debate. When it prevails, the committee shall immediately rise.

Rule 73. When the hour for adjournment of the House arrives, the Committee of the Whole House shall automatically rise and the Speaker shall assume the chair.

Rule 74. When the Committee of the Whole House has disposed of bills, resolutions, or other measures before it, by motion and question, it shall rise, and the chairman shall be instructed to report the action of the committee to the House. At this point, the Speaker shall resume the chair, and the chairman shall return to the floor and shall state in substance as follows: "Mr. Speaker, the Committee of the Whole House has had under consideration (naming what) and has instructed me, as its chairman, to report the same back to the House, with the recommendation that the same \_\_\_\_\_" ("do pass," "do pass as amended," "do pass by substitute," or "do not pass," as the case may be).

The Speaker shall receive this report and repeat the same, and the matter shall then be before the House for action, just as though reported by any other committee.

Rule 75. Amendments offered to an amendment in the Committee of the Whole House shall not be reported to the House, but the report shall contain only the result of the committee's action on the bill, resolution, or measure under its consideration.

Rule 76. Amendments proposed by the Committee of the Whole House may be amended or rejected by the House, and matters stricken out by the committee may be restored by the House.

Rule 77. The proceedings of the Committee of the Whole House shall not be recorded on the journal of the House, except so far as reported to the House by the chairman of the committee.



## DEBATE

Rule 78. When any member is about to speak in debate or deliver any matter to the House, such member shall rise from his or her seat and respectfully address himself or herself to "Mr. Speaker." No member shall be recognized by the Speaker unless the member is at his or her designated seat.

Rule 79. A member shall be confined to speaking on the matter in debate and shall not speak more than twice on any subject or more than once until every member choosing to speak shall have spoken.

Rule 80. No member of the House shall occupy the floor longer than one hour in debating any question unless otherwise ordered by the House. On the last three days of the session no member of the House shall occupy the floor longer than 20 minutes in debating any question unless otherwise ordered by the House. Any time allowed under Rule 125 shall be in addition to the time provided for in this rule. Any motion to limit or extend the time of individual speeches shall be decided without debate. No such motion shall prevail unless it shall receive the affirmative votes of two-thirds of those voting, provided the total vote constitutes a quorum. Such motion may be made at any time that the movant thereof may legitimately obtain the floor.

Rule 81. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall call such member to order, in which case the member shall immediately sit down unless permitted to explain. If appealed to, the House shall decide whether to confirm the Speaker's action. If the transgressor refuses to submit to the decision of the House, the member shall be reprimanded for the first offense or fined in a sum not exceeding \$100.00 for the second offense. If the member continues to refuse to abide by the decision of the House such member may be expelled from the House by a two-thirds' vote of the members. Such vote shall be taken by yeas and nays and recorded on the journal of the House.

Rule 82. If any member shall be called to order for words spoken, the words excepted to shall be taken down in writing by the Clerk and read. The words excepted to shall then be admitted, denied, or explained by the member who spoke them. Thereupon, the question of order shall be decided and such other proceedings shall be conducted as the House may deem proper in regard thereto. If, at any time, the House is acting under the previous question, such question of order and other proceedings referred to shall not be taken up for decision until after the previous question and the main question have been disposed of or until such future time as may then be ordered by the House. No member shall be held to answer or be subject to actions by the House for words spoken in debate if any other member has spoken or other business has intervened before the exception to the words is taken.

Rule 83. Except as otherwise stated in these rules, no member shall address the House or a member of the House or interrogate a member who is speaking, except through the Speaker. Should the member speaking decline to be interrupted, the Speaker shall cause the member desiring to interrogate to be silent.

Rule 84. No member shall refer in debate to any private conversation with another member.

DEBATE  
MOTIONS

Rule 85

COMMITMENT

Rule 89

Rule 85. In addressing any other member, a member may designate the other member by: "Mr.," "Mrs.," "Miss," or "Ms." plus the member's last name; or by the member's title, by his or her position on the floor, by the district he or she represents, or by the county or city of his or her residence. Examples of acceptable ways to address members are: "Mr. Jones," "Mrs. Smith," "Ms. Smith," "Miss Smith," "the Representative from the First District," "Mr. Speaker Pro Tempore," "Mr. Administration Floor Leader," "Mr. Majority Leader," "the lady from DeKalb," "the Representative from Waycross," or "the gentleman from Macon."

MOTIONS

Rule 86. When any subject is before the House for consideration or under debate, no motion shall be received except the following:

- (1) A motion to adjourn.
- (2) A motion to lay on the table.
- (3) A motion for the previous question.
- (4) A motion to adjourn to a time definite.
- (5) A motion to indefinitely postpone.
- (6) A motion to postpone to a day certain or to a time certain postponed to a later time on the same legislative day.
- (7) A motion to commit.
- (8) A motion to amend.
- (9) A motion to print.

Such motions shall have precedence in the order named. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in the possession of the House, but may by unanimous consent be withdrawn at any time before the decision. Such motions made by any member need not be seconded.

Rule 87. No member may make more than one motion at a time. While the motion is being put to the House, the member making the motion must resume his or her seat, and such member is not further entitled to the floor unless recognized again by the Speaker.

Rule 88. No member who has the floor shall make any motion, the effect of which is to cut off debate, without relinquishing the floor.

COMMITMENT

Rule 89. Motions to commit may be made to refer a bill, resolution, or other measure to a standing or special committee or Committee of the Whole House. On a motion to commit, no debate shall be allowed. A motion to commit may be amended by substituting another committee for the one named by the member making the motion.

COMMITMENT  
TABLING

Rule 90

INDEFINITE POSTPONEMENT

Rule 99

Rule 90. A motion to commit to a standing committee takes precedence over a motion to commit to a special committee and shall be first voted on. However, where a motion is made that a bill, resolution, or other measure be committed to the Committee of the Whole House, this motion shall be put before either of the above-named motions.

Rule 91. Any proposition that has been referred to any standing or special committee may, on motion, be recommitted to the same or any other committee by a majority of those voting, provided the total vote constitutes a quorum.

TABLING

Rule 92. A motion to lay on the table may be made after the motion for the previous question has been sustained; but, after the main question has been ordered, no motion to lay on the table is in order.

Rule 93. No motion to lay an amendment on the table shall be

Rule 94. Neither the motion to lay on the table nor the motion to take from the table is debatable or amendable.

Rule 95. A motion to lay on the table or to take from the table may be renewed from time to time when new business has intervened between the votes.

Rule 96. If the motion to lay on the table prevails, it removes the measure from the consideration of the House, together with all the motions attached to it at the time.

When a proposition is taken from the table, it stands before the House in the exact form, with all the motions pertaining to it, as it stood at the time the motion to lay on the table prevailed. The measure and all motions shall remain in numerical order on the general calendar; provided, however, if the measure is tabled and taken from the table on the same legislative day when the rules calendar is in effect, it shall remain on that day's rules calendar and shall be treated as any other measure then on the rules calendar.

Rule 97. A majority of a quorum voting is necessary to lay a bill, resolution, or paper on the table. At any time when the House is not engaged on any other measure, a majority of a quorum voting may take from the table any bill, resolution, or paper which has been ordered to lie on the table.

INDEFINITE POSTPONEMENT

Rule 98. A motion to indefinitely postpone, if decided in the affirmative by a majority of those voting, provided the total vote constitutes a quorum, thereby disposes of said bill, resolution, or other measure for the session. Only one motion to indefinitely postpone any bill, resolution, or other measure shall be allowed.

Rule 99. While the motion to indefinitely postpone takes precedence over a motion to postpone to a day certain, or to commit, or to amend, a motion to indefinitely postpone cannot be applied to said motions, nor can it be

INDEFINITE POSTPONEMENT  
POSTPONEMENT

Rule 99

AMENDMENT

Rule 107

applied to incidental questions, such as questions of order, reading of papers, withdrawal of a motion, and suspension of a rule.

Rule 100. The motion to indefinitely postpone lays open the whole question for debate, but the motion cannot be amended.

POSTPONEMENT

Rule 101. A motion to postpone to a day or time certain cannot be applied to subordinate or incidental questions but only to the whole measure. When the motion prevails, it carries forward the whole proposition and its appendages to the day or time named.

Rule 102. On a motion to postpone a question to a day or time certain, debate on the merits of the question is not in order. Debate and amendments may be allowed, but shall be confined strictly to the proposition to postpone and to show why one day or time is preferred to another. It shall be the duty of the Speaker to hold members rigidly to these points.

Rule 103. The motion to postpone to a day or time certain may be amended by substituting one day or time for another. In this case, the time would be treated as a blank and the Speaker should treat any such amendment as the Speaker would those to fill a blank.

Rule 104. A motion to postpone to a day known to be beyond the limits of the session shall not be in order.

Rule 105. If the motion to postpone a bill, a resolution, or other measure is decided in the negative, the question is left before the House as it was before the motion was made, and a second motion to postpone cannot be made on the same day.

Rule 106. The motion to postpone a bill, resolution, or other measure to a day or time certain, when decided in the affirmative by a majority of those voting, providing the total vote constitutes a quorum, removes the subject from before the House until the day or time designated. When the House is not in session on the day or time designated, the question shall be called on the following legislative day.

AMENDMENT

Rule 107. There are three ways in which a proposition may be

- (1) By inserting or adding words, numbers, punctuation, or letters.
- (2) By striking out words, numbers, punctuation, or letters.
- (3) By striking out and inserting words, numbers, punctuation, or letters.

An amendment is subject to be amended in all three of the ways mentioned above, but it is not permissible to amend an amendment to an amendment, except by unanimous consent.

No amendment to any appropriations bill shall be in order if the amendment has the effect of both reducing one appropriation and either increasing another appropriation or adding a new appropriation. No amendment to any appropriations bill increasing any appropriation or adding a new appropriation shall be in order unless there has previously been adopted an amendment reducing some other appropriation so as to make funds available for such new or increased appropriation; and no amendment to any appropriations bill shall be in order which would cause the bill to violate the balanced budget requirements of the Constitution.

A majority of a quorum voting is necessary to amend any bill, resolution, or proposition.

Rule 108. A substitute shall be treated as an amendment in these rules. However, for the purpose of amending a substitute, a substitute shall not be treated as an amendment.

Rule 109. All motions to amend any matter before the House must be in writing. They must plainly and distinctly set forth the amendment desired and the part or parts of the bill or resolution where the amendment shall be inserted or added.

Rule 110. In order to be eligible for consideration any amendment must be germane to the subject under consideration. In order to be germane the amendment must be closely and directly related to the main measure, both with respect to the end to be accomplished and with respect to the means of accomplishing the end. Any irrelevant motion, irrelevant amendment, or amendment which is not germane to the subject under consideration shall be ruled out of order by the Speaker. The determination of relevancy and germaneness shall be according to the judgment of the Speaker. Appeals from the Speaker's determination shall be in accordance with I

Rule 111. Where blanks occur in any proposition, they must be filled before any motion is made to amend the proposition.

Rule 112. When a bill or resolution is before the House for consideration, and amendments are pending thereto, and a substitute shall be offered for said bill or resolution, and an amendment shall be offered to said substitute, it shall be in order for the House to perfect first the original bill or resolution and then perfect the substitute. The question shall then be on agreeing to the substitute as amended, if it has been amended; and, if decided in the affirmative, the question shall be, "Shall this bill pass by substitute?" or "Shall this resolution be adopted by substitute?" as the case may be. If both a committee substitute and a floor substitute are offered for a bill or resolution, a vote shall be taken on the committee substitute first.

Rule 113. When a motion is made to amend by striking out a part of a bill or resolution, any amendment offered to perfect the part proposed to be stricken shall be put before the question is put for striking

Rule 114. On all questions, whether in committee or in the House, the last amendment, the most distant day, and the largest sum shall be considered first.

Rule 115. After commitment of a bill and report thereof to the House, it may be amended before the report of the committee is agreed to by the House; but the amendments, if any, reported by the committee shall be

disposed of before any other amendment is considered unless it is an amendment to a committee amendment.

Rule 115.1. If a bill amending the last enacted general appropriations Act is reported out of committee as "do pass by substitute" or "do pass as amended," neither the committee of the whole nor the House of Representatives shall consider the bill until at least 24 hours after the substitute or the amendments, as the case may be, have been printed and placed on the desk of each member.

Rule 116. An amendment cannot be offered after the report of the committee to which the bill or resolution under consideration was referred has been agreed to by the House, unless the action of the House in so agreeing to the report of the committee shall first be reconsi-

Rule 117. When a proposition consisting of several sections or paragraphs is on a final reading and the House agrees to a motion to consider it by sections or paragraphs, the Clerk in reading it shall pause at the end of each section or paragraph. The amendments thereto shall be offered as the several sections or paragraphs are read. However, the amendments offered by the committee to which the bill or resolution was referred shall be read by the Clerk without any motion being made. When a section or paragraph has been adopted, it is not in order to recur and amend the same, unless first reconsidered.

Rule 118. The questions which arise before the House respecting amendments by the Senate to a House bill or resolution are, in order of precedence:

- (1) A motion to agree to the Senate amendment.
- (2) A motion to disagree with the Senate amendment.
- (3) A motion to recede from the House's disagreement or amend
- (4) A motion to insist on the House's disagreement or amendm

When in the Speaker's opinion a Senate amendment to a House bill is not germane, the Speaker is authorized on the Speaker's own motion or upon a point of order being made to rule out such amendment. The effect of such ruling of the Speaker, if not appealed from or if appealed from and the appeal is not sustained, shall be the same as a vote of the House to disagree, and the Clerk shall so report it to the Senate. Such point of order shall take precedence over a motion to agree.

However, when any question of disagreement with the Senate arises, the following motions shall be in order at any time the movant can legally obtain the floor: 1st. a motion to insist upon the House position and 2nd. a motion to recede from the House position. Debate thereon is limited as in the case of reconsideration. These motions shall be put in the order listed, subject to disposition by the House of any amendments affecting the matter in disagreement.

Rule 119. A motion to amend an amendment made by the Senate to a House bill or resolution takes precedence over a motion to agree or disagree to the amendment.

Rule 120. When any bill or resolution which originated in the House has been amended in the Senate and is before the House for action on the

Senate amendment, an amendment may be offered in the House to the Senate amendment; but the House amendment to the Senate amendment cannot be further amended. The amendment offered in the House to the Senate amendment must be agreed to or voted down before the Senate amendment, as amended by such House amendment, may be agreed to or voted down.

Rule 121. A Senate amendment to a House bill or resolution must be adopted by the vote required to pass the bill, resolution, or matter under consideration.

#### PREVIOUS QUESTION

Rule 122. The previous question may be called and ordered upon a single motion or an amendment, or it may be made to embrace all authorized motions or amendments and include the entire bill.

Rule 123. Any member may call for a division of the question on a subject which, in the opinion of the presiding officer, is one which may be divided. The member calling for a division must state what definite parts and how many parts the member would have the question divided into. Each part of the divided proposition must be so distinct that if taken away the remainder can stand by itself as a consistent and entire unit.

A qualifying paragraph, an exception, or a proviso, if taken from that to which it belongs, would not contain a distinct or entire proposition.

A motion to "strike out and insert" is an indivisible proposition.

Rule 124. The motion for the previous question shall be decided without debate and shall take precedence over all other motions except a motion to adjourn or to lay on the table. Neither of such motions shall be made more than once until after the previous question has been exhausted. When it is moved, the first question shall be, "Shall the motion for the previous question be sustained?" If this is decided by a majority of those voting, provided the total vote constitutes a quorum, and the next question: "Shall the main question be now put?" is decided in the affirmative by a majority of those voting, provided the total vote constitutes a quorum, all other motions, except one to reconsider the action in ordering the main question, will be out of order and the House cannot adjourn until the previous question is exhausted or the regular hour of adjournment arrives.

No motion to reconsider the action of the House in ordering the main question shall be in order after the Clerk has called the first name on call of the yeas and nays and the vote of any member has been given, or the Speaker has ordered the roll-call system to be unlocked for voting, or after a division of the House has been had on the vote and the vote is in process of being counted and announced. In such cases the roll call shall be completed, the vote counted, and the result finally announced.

Rule 125. When the previous question has been ordered, the House shall proceed to act on the main question without debate, except that, before the main question is put, 20 minutes shall be allocated to the chairman of the committee whose report of the bill or other measure is under consideration to close the debate. The chairman may yield the floor to

such members as he or she may designate for all or any part of the 20 minutes allowed under this paragraph.

In all cases where a minority committee report has been submitted on the legislation, if the previous question has been ordered, and prior to the time allocated to the chairman, there shall be allocated 20 minutes to the first signer of the minority report to present the minority position. He or she may yield the floor to such members as he or she may designate for all or part of the time allowed under this para-

Rule 126. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided without debate, whether on appeal or otherwise.

Rule 127. The effect of the order that the main question be now put is to bring the House to a vote on the pending questions.

Rule 128. After the main question has been ordered, a motion to reconsider this action will, if adopted, have the effect to repeal the ordering of both the main question and the previous question and will leave the pending measure again open to debate and amendment, and the same time limits provided for in Rule 125 shall be applicable. The motion to reconsider the ordering of the main question can be made only once and, if lost or if the main question is again subsequently ordered on the pending measure, no second motion to reconsider the ordering of the main question shall be entertained.

#### VOTING

Rule 129. If no specific vote is provided in these rules for the passage of any resolution, motion, or measure, which will not become a law, the vote for such passage must be by at least a majority of all members to which the House is entitled, unless enacted by unanimous con-

Rule 130. No member shall be permitted to cast his or her vote on any motion, resolution, amendment, bill, or other question until the question is put to the House under the rules of the House by the Speaker.

Rule 131. The Speaker's method of stating a question or any motion, after the same has been read to the House by the Clerk, shall be as follows: "All in favor of the motion will say 'Aye.' Those opposed will say 'No.'" When a decision seems doubtful to the Speaker or when a division of the House is called for by any member of the House, the Speaker shall call upon the members in favor of the motion to indicate by a show of hands. After a count is had by the Clerk, the Speaker shall call upon the members to reverse their positions, and the Speaker shall announce the

Rule 132. When less than a quorum vote on any subject under consideration by the House, the Speaker may order the doors of the House to be closed and the roll of members called by the Clerk or by the electric roll-call system. If it is ascertained that a quorum is present, either by answering to their names or by their presence in the House, the refusal of any member present to vote, unless excused, shall be deemed a contempt of the House.

Rule 133. After the main question is ordered, any member may call for a division of the House in taking the vote or may call for the yeas and



nays. If the call for the yeas and nays is sustained by one-fifth of the members voting, the vote shall be taken by the yeas and nays and so entered on the journal. A motion for the call of the yeas and nays shall be decided without debate.

Rule 134. When the question is put, every member within the chamber shall vote unless the member is immediately and particularly interested therein or unless the member is excused by the House. A motion by a member to be excused from voting must be made before the House divides or before the call of the yeas and nays is commenced, and it shall be decided without debate. The member making the motion may briefly state the reason why it should prevail. In every case where the seat of a member is being contested, the sitting member and the contestant shall both retire from the House before the vote is taken.

Rule 135. No pairing of members shall be recognized or allowed as an excuse for not voting.

Rule 136. No member or person shall vote for another member on any question or proposition. Any violation of this rule may be punished by fine, censure, or other action ordered by the House.

Rule 137. No member shall be permitted to explain his or her vote during a roll call, but such member may reduce his or her explanation to writing in not more than 200 words. If this writing is filed with the Clerk on the same day as the roll call, the writing shall be spread upon the journal.

Rule 138. When any question has been put to a vote by the Speaker's calling for a voice vote, calling for a show of hands, commencing the calling of yeas and nays, or unlocking the electric roll-call system, no debate shall be allowed and no member shall be recognized for a parliamentary inquiry or any other purpose until the vote has been completed and the result announced. The only exceptions allowed to this rule shall be: (1) when the Speaker has called for a voice vote or a show of hands, a member may call for the yeas and nays as provided for in Rule 133; (2) when an electric roll-call vote is in progress, a member may be recognized for the purpose of calling attention to a malfunction in the electric roll-call system; or (3) a member may be recognized for the purpose of calling attention to any member voting for another member in violation of Rule 136.

Rule 139. If the taking of yeas and nays is required by the Constitution, by House rule, or by law, the electric roll-call system shall be used, unless the Speaker orders the Clerk to take a viva voce roll call. On all other questions or propositions, the Speaker may, in the Speaker's discretion, order a division of the House, a roll call on the electric roll-call system, or a viva voce roll call.

When the House is ready to vote upon a question and the vote is to be by the electric roll-call system, the Speaker shall state: "The question is on (designating the matter to be voted upon). All in favor of such question shall vote 'Aye,' and all opposed shall vote 'No.'" The Speaker shall then have the voting machine unlocked.

The machine shall remain unlocked for voting for a period of at least 60 seconds, after which the machine shall be locked by the Clerk on order of the Speaker and the votes shall be tabulated.

The Speaker shall then announce the results.

Rule 140. After the call of the yeas and nays, the Clerk shall verify how each member voted, and no member shall be permitted to change his or her vote unless the member declares at the time of the verification that he or she voted under a mistake of the question. When the electric roll-call system is used, this rule shall not be applicable.

Verification of a roll-call vote may be dispensed with only by unanimous consent or by a majority of a quorum. When the electric roll-call system is used, no verification of the roll-call vote is required.

Rule 141. Each member shall vote from such member's own seat when the yeas and nays are taken by the electric roll call, and during such a vote no person shall be allowed upon the floor of the House except the members and those persons provided for in these rules.

Rule 142. Whenever on any question the yeas and nays have been ordered, the Clerk shall also enter on the journal the names of those members not voting.

#### RECONSIDERATION

Rule 143. Motions for reconsideration of a bill or resolution shall be in order immediately before the period for members to rise on notices of points of personal privilege under Rule 37 and the third reading of bills and resolutions on the day succeeding the action sought to be reconsidered and such other days as provided in these rules. Before any action can be reconsidered, notice must have been given to the House of intention to so move during the legislative day during which the action sought to be reconsidered took place. The notice of a motion to reconsider shall not be withdrawn after the time has elapsed within which it might originally have been made. A motion for reconsideration takes a majority of those voting, providing the total vote constitutes a quorum.

When the action sought to be reconsidered occurs on the last legislative day of the week, the motion for reconsideration shall be in order on the following Monday or the next legislative day if the House is not in session. When the action sought to be reconsidered occurs on either of the last three days of the session, the same may be reconsidered only before the transaction of other business. When the action sought to be reconsidered occurs on the last day on which a bill or resolution could be transmitted to the Senate in order to comply with any Senate rule relative to the first reading of House bills and resolutions in the Senate, the same may be reconsidered only before the transaction of other business.

The action of the House upon a House amendment may be reconsidered at any time before final action upon the section, bill, or resolution to which the amendment relates. The action of the House on Senate amendments shall be in order for reconsideration immediately, and not ot

Rule 144. No bill, resolution, or amendment shall be reconsidered more than once.

Rule 145. Any bill or resolution which is reconsidered shall take its place in numerical order on the general calendar and shall include any substitute and all amendments which were a part of such bill or resolution when the action of the House which is being reconsidered was t

## COMMITTEES OF CONFERENCE

Rule 146. Whenever any member moves that a committee of conference be appointed, on disagreeing votes or other matters of the two houses, and the motion prevails, the Speaker shall appoint three members for the committee who voted in the majority on the position assumed by the House on the passage of the bill or resolution, if such vote has been recorded.

The committee of conference, once appointed, may consider the whole subject matter embraced in a bill, resolution, or other matter before it and may recommend recision by either house, new amendments, new bills and resolutions, or other germane changes. However, when a motion to instruct a committee of conference prevails by the majority required for final passage by the House of the bill or resolution in question, the House conferees may not recede from or change the subject matter contained in the bill or resolution in question as specified by such motion to instruct. Such motion shall be debatable and shall be in order immediately after the committee of conference is appointed and only before the transaction of other business and shall be applicable only to the presently appointed committee of conference.

The committee of conference may establish rules for the conduct of its meetings which are not in conflict with this rule. Said meetings shall be open to the public at all times, except as provided :

A report of a committee of conference must be approved by a majority vote of the entire membership of the committee before the report may be transmitted to either the Senate or the House.

After a committee of conference has been in existence for five days and has failed to make a report to the House on the question under consideration, the House, on motion and by a majority vote of all members elected to the House, may discharge the House conferees and direct the Speaker to appoint another committee of conference. However, during the last five days of the session such motions may be made and passed at any time, but not more often than every three hours.

All reports of committees of conference shall be printed and distributed to the Representatives at least one hour prior to consideration of the same unless such requirement is dispensed with by a majority vote of all members elected to the House.

All reports of committees of conference must be adopted by the vote required to pass the bill, resolution, or matter under consideration. The report of a committee of conference shall not be subject to amendment or substitution by the House and can only be adopted or rejected as reported by the committee of conference. Any report of a committee of conference which is amended or substituted for by the Senate shall be considered by the House as having been rejected by the Senate.

## ENACTMENT

Rule 147. The Speaker may recognize any member at any time for the purpose of asking unanimous consent: (1) to introduce new matter, (2) to recommit a bill or resolution, or (3) to withdraw a bill or resolution from one committee and recommit it to another.

Rule 148. The Speaker shall not recognize any member at any time, except during the first thirty minutes after the confirmation of the journal, for the purpose of asking unanimous consent: (1) to read any bill or resolution the second time or any local bill or resolution or (2) to put any local bill or resolution upon its passage.

The Speaker shall not recognize any member at any time for the purpose of asking unanimous consent to put any general bill or resolution upon its passage or to read such bill or resolution and recom

The Speaker shall not recognize any member at any time for the purpose of asking unanimous consent to cast such member's vote on any motion, resolution, amendment, bill, or other question.

The Speaker shall entertain only one unanimous consent at any one time.

Rule 149. Any bill or resolution may be withdrawn at any time by unanimous consent of the House or by a majority vote of all the members to which the House is entitled.

Rule 150. No bill or resolution shall be transmitted to the Senate on the day of the passage thereof except by unanimous consent or unless two-thirds of the members voting, provided the total vote constitutes a quorum, shall so order. However, any bill or resolution which requires action by the Senate, on the last day the Senate will accept a House bill and during the last three legislative days, shall be immediately transmitted by the Clerk to the Senate after the period for reconsideration has expired.

Rule 151. All Acts and joint resolutions shall be signed by the Speaker and Clerk, and all writs, warrants, and subpoenas issued by order of the House shall be signed by the Speaker and attested by the Clerk.

## ADJOURNMENT

Rule 152. The motion to adjourn may be made at any time when the movant can legitimately obtain the floor.

Rule 153. A motion to adjourn may be made after the motion for the previous question has been sustained. However, when the main question has been ordered, no motion to adjourn is in order; nor shall any motion to adjourn be in order after the Clerk has called the first name of the yeas and nays and a vote of one member has been given, or after the Speaker has ordered the roll-call system unlocked for voting, or after a division of the House has been had on a vote and the vote is in process of being counted and announced. In such cases the roll call shall be completed, the vote counted, and the result finally announced before a motion to adjourn shall be in order.

ADJOURNMENT

CONTESTS

Rule 154

PAGES

Rule 160

Rule 154. A motion to adjourn is in no instance debatable, nor shall a motion to adjourn be made a second time until further progress has been made in the business before the House. A motion to adjourn in its simple form shall not be amended.

Rule 155. A motion to adjourn to a particular day or for a particular time, if made when the House is not actually engaged in other business, is debatable and is amendable as to the day or time proposed.

Rule 156. When a motion to adjourn in its simple form prevails, it adjourns the House to the next legislative day.

Rule 157. Whenever the hour of adjournment, as fixed by a prior resolution, shall arrive after the report of the committee has been agreed to, the session shall continue until the final vote is taken and announced.

Rule 158. At the time of adjournment, no member shall leave his seat until the Speaker leaves the chamber.

CONTESTS

Rule 159. All contests to the seating of any person elected as a member of the House of Representatives shall be filed with the Clerk of the House.

When a contest is filed, the Clerk shall report the contest to the Speaker who shall refer it to the Committee on Rules. The committee shall convene as soon as possible and, after notifying the person whose seat is contested, shall proceed to resolve the contest and file its actions with the Clerk. The action of the committee shall be considered the action of the House until the next legislative day, at which time the House may affirm or reverse the committee or take such other action thereon as it sees fit.

In all contests, the person whose seat is contested shall have notice and opportunity to be heard, the right of counsel, and the right to compulsory process for the production of evidence in his or her behalf.

Contests will only be received or recognized by the Clerk when filed by a person duly certified as having been elected to the House or by a person who was a candidate for such contested seat in the election held to fill the seat. No person may file a contest to more than one seat.

PAGES

Rule 160. Each member of the House shall be allowed a maximum of ten page days during each annual session. One page day shall be deemed to be utilized by the service of one page. Said ten page days may be utilized on one legislative day or on separate legislative days in the discretion of the member. No one shall be eligible to serve as a page who is not at least 12 years of age. A member must make a reservation for each page at least one week prior to the date on which the member wishes such page to serve.

PRIVILEGED RESOLUTIONS

Rule 161. The Clerk of the House shall mail not more than two copies of any privileged resolution which is adopted by the House. If the author or authors of any such resolution desire additional copies to be mailed, such author or authors shall bear the cost thereof.

Rule 162. No member shall introduce, without paying the full costs thereof, more than ten privileged resolutions during any one session of the General Assembly.

OFFICES IN THE LEGISLATIVE OFFICE BUILDING

Rule 163. Offices in the Legislative Office Building shall be assigned to members of the House of Representatives on the basis of seniority, with the member having the longest uninterrupted period of service as a member of the House of Representatives having the first choice. If two or more members have an equal amount of service, the names of all such members shall be placed in a container and the Speaker shall draw names to determine the order in which such members shall select their (

ETHICS COMMITTEE

Rule 164. The Committee on Ethics shall have the following powers and duties:

(1) Upon the filing of a complaint, to conduct through its preliminary inquiry subcommittee a preliminary investigation of any allegation of unethical or improper conduct on the part of any member of the House of Representatives or any employee of the House of Representatives, as follows:

(A) Any member of the House of Representatives or any employee of the House of Representatives may file a complaint alleging unethical or improper conduct. Any such complaint shall be in writing and the complainant shall sign the complaint under oath that the allegations of the complaint are true and correct to the best of the complainant's knowledge and belief. Any such complaint shall be presented by the complainant to the chairperson of the committee, unless the complaint calls into question the conduct of the chairperson in which case it shall be transmitted to the appropriate officer to appoint a replacement for the chairperson, as provided for in Rule 169;

(B) Unless otherwise requested by the subject of a complaint, the complaint shall remain confidential until and unless otherwise provided for in these rules. The complainant, the committee, and all committee members and staff shall maintain the confidentiality of the complaint and proceedings thereon. Such confidentiality shall extend to and include the filing and existence of the complaint, as well as the subject matter of the

complaint and the actions of the committee or subcommittee with respect to the complaint;

(C) The Majority Leader, the Minority Leader, the Majority Whip, and the Minority Whip shall constitute a preliminary inquiry subcommittee for the initial consideration and preliminary investigation of any complaint, unless the complaint calls into question the conduct of one of those members in which case a replacement shall be appointed as provided for in Rule 169. The subcommittee shall consider all complaints filed and shall by a majority of its four members determine whether the complaint and preliminary investigation disclose substantial evidence of unethical or improper conduct on the part of the person or persons named in the complaint. For this purpose, substantial evidence shall not include hearsay which would be inadmissible in a court of record. Such determination may be made at a meeting of the subcommittee, by conference, by telephone or other electronic means, or without meeting or conference in a writing subscribed by a majority of the members of the subcommittee. Where the subcommittee does not by a majority vote of its four members determine the existence of such substantial evidence, such determination shall be a final disposition of the complaint and this matter and the full committee shall take no further action on the complaint;

(D) Where the subcommittee does not by a majority vote of its four members determine the existence of such substantial evidence, the complaint and proceedings thereon shall remain confidential unless the subject of the complaint requests that the matter be made public, in which case such request shall be complied with. Where the subcommittee does determine the existence of such substantial evidence, the matter may remain confidential or be disclosed by the subcommittee or the full committee, as provided in Rule 167;

(2) To conduct further investigation and hold hearings where the preliminary inquiry subcommittee has determined that a complaint and preliminary investigation disclose substantial evidence of unethical or improper conduct on the part of the person or persons named in the complaint;

(3) Through action of the preliminary inquiry subcommittee, the full committee, or chairperson of the full committee, to retain the services of paid or unpaid counsel or investigators or both for the purpose of conducting preliminary investigations and investigations and presenting matters to the subcommittee or committee;

(4) To hold hearings upon and report to the full House with respect to any resolution calling for the punishment of a member of the House for disorderly behavior or misconduct, as provided for in Article III, Section IV, Paragraph VII of the Constitution; and upon its introduction any such resolution shall be referred to the Committee on Ethics;

(5) To cause to be introduced a resolution calling for the punishment of a member of the House for disorderly behavior or misconduct in any case in which no such resolution has previously been introduced and an investigation by the committee has resulted in a finding by clear and convincing evidence that such disorderly behavior or misconduct has occurred;

(6) To report to the appropriate law enforcement agency in any case in which an investigation by the committee has resulted in a finding of probable cause to believe that a criminal offense has been committed;

(7) To report to the Speaker of the House, the Clerk of the House, the Legislative Services Committee, or any other officer or agency of the General Assembly in any case in which an investigation by the committee has resulted in a finding of probable cause to believe that disciplinary action should be instituted against an employee of such officer or committee; and

(8) To issue advisory opinions with respect to ethical and proper conduct on the part of members and employees of the House of Representatives, as follows:

(A) An advisory opinion may be requested by any member of the House, by any person who has been elected to membership in the House, or by any employee of the House. Any such request shall be in writing and shall contain a full statement of the material facts;

(B) An advisory opinion is binding on the committee in any proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the opinion; and

(C) Any request for and issuance of an advisory opinion shall be confidential except that:

(i) All advisory opinions shall be prepared in a form which does not identify the person requesting the opinion and in such form shall be compiled and made available to members and employees of the House for their reference and guidance;

(ii) A particular advisory opinion shall be made public upon request of the member or employee who requests or requested that particular advisory opinion;

(iii) If a particular advisory opinion issued to a member or employee is relevant to a complaint against the member or employee who requested that opinion, then the committee may make that opinion open to the public under the standards of Rule 167; and



(iv) No person may bring a complaint against another person based solely upon information voluntarily given to the committee by such other person in connection with a good faith request by such other person for an advisory opinion. The committee may not use information so given in good faith against the person requesting an advisory opinion. The committee may, however, act on a complaint concerning the subject of a request for an advisory opinion where the information on which the complaint is based or the information on which the committee acts was derived from another source, even if that information was also submitted with the request for an advisory opinion.

Any of the actions provided for in paragraphs (4) through (8) of this rule shall be taken only by the affirmative vote of at least eight members of the committee. Any other action of the committee including a decision not to issue an advisory opinion may be taken by vote of a majority of a quorum of the committee. The chairperson may vote on any matter coming before the committee.

Rule 165. The Committee on Ethics shall be composed of a chairperson who shall be appointed by the Speaker of the House; the Speaker Pro Tempore; the Majority Leader; the Majority Whip; the Majority Caucus Chairperson; the Majority Caucus Secretary; the chairperson of the Committee on Judiciary; the Minority Leader; the Minority Whip; the Minority Caucus Chairperson; and the Minority Caucus Secretary. Membership on the committee shall be disregarded in determining the number of other committees upon which a member may be appointed to serve under

Rule 166. The Committee on Ethics is deemed to simply be a committee of the House, and neither it nor any staff or material in its possession shall be deemed to be a public office or records of a public office; provided, however, the committee may by rule provide for the release of information or documents received by it in the course of the performance of its duties and, when so released, such shall be deemed to be a report of its proceedings. This committee is created and shall be construed to function in furtherance of the power conferred upon the House by Article III, Section IV, Paragraph VII of the Constitution of this state:

Rule 167. (a) The committee is authorized to provide its rules of procedure, including a determination on a case-by-case basis of when its meetings shall be open to the public. Subject to the provisions of these rules which mandate initial confidential treatment of complaints and preliminary investigations, such determination shall be made on the basis of balancing the need for openness in government with the need to preserve confidential sources of information, the need to protect the privacy rights of parties or witnesses, the need to secure the integrity of the committee's investigation, or any other compelling need for confidentiality. Notwithstanding the foregoing, if the person whose conduct is in issue, or all such persons if more than one, demand same in writing, the meetings shall be open to the public. This portion of this rule and any rule of the committee made pursuant to the authority herein granted shall be deemed a rule of the House as authorized by Article III, Section IV, Paragraph XI of the Constitution of this state. Members and

staff of the House shall have an affirmative duty to protect the confidentiality of proceedings and material designated as confidential by the committee. The committee may in its proceedings require the attendance and testimony of witnesses and the production of documents and materials.

(b) The committee or subcommittee may in its discretion postpone any investigation or proceeding when the committee or subcommittee deems such action advisable because of the existence of a related judicial proceeding or criminal investigation.

Rule 168. Any member of the House or other person who is the subject of a complaint to or investigation by the committee or subcommittee shall have the following rights in all proceedings of the committee or subcommittee: (1) the right to prompt, full, and adequate notice of the charges against such person, including notice of the filing of any complaint and the commencement of any preliminary investigation, and the time and place of all proceedings to be conducted thereon; (2) the right to representation by counsel; (3) the right to cross-examine the witnesses called by the committee or preliminary inquiry subcommittee; (4) the right to present witnesses and evidence; and (5) upon request, the right to require, through the same process used by the committee or subcommittee, the attendance of witnesses and the production of documents and materials. The manner of securing such rights shall be as determined by the committee or subcommittee before which the proceedings are pending.

Rule 169. In any matter which calls into question the conduct of any officer or member of the committee, such officer or member shall recuse himself or herself from the proceedings of the committee and a replacement for such officer or member shall be appointed by the Speaker of the House, unless the conduct of the Speaker is also called into question. If the conduct of the Speaker is also called into question, any replacement officer or member shall be appointed by the Clerk of the House, unless the conduct of the Clerk is also called into question. If the conduct of both the Speaker and the Clerk is called into question, any replacement officer or member shall be appointed by a majority of those chairpersons of standing committees whose conduct is not called into question in the matter. Any replacement officer or member of the committee shall be of the same political party as the officer or member to be replaced and shall be appointed from a list of three names submitted by the remaining members of the Ethics Committee who are of the same party as the officer or member to be replaced.

Rule 170. These rules shall not be retroactive to matters occurring prior to their adoption. Otherwise, the Committee on Ethics shall not have jurisdiction to investigate or act upon conduct occurring prior to the then present or next most recent term. Term shall mean the two-year term served by members of the House.

Rule 171. Members and employees of the House shall conform to the following standards of ethical and proper conduct. Such standards shall not be exclusive of other lawfully imposed standards of conduct for members and employees of the House:

(1) No member or employee of the House shall unlawfully use his or her office or official position for personal financial gain, and each member or employee shall be entitled to compensation for his or her official duties only to the extent of pay and allowances attaching to such office or position or as is

otherwise authorized by law. Nothing in these rules, however, shall be construed to prevent a member or employee from lawfully pursuing his or her business or profession or to limit ordinary and necessary communications in the pursuit thereof while serving in an official capacity;

(2) No member or employee of the House shall use state funds, facilities, equipment, services, or other state resources for nonlegislative purposes, for the private benefit of any person, or for the purpose of soliciting campaign funds. This paragraph does not prohibit:

(A) Limited use of public resources for personal purposes if the use does not interfere with the performance of public duties by a member or employee of the House and the cost or value related to the use is nominal;

(B) The use of mailing lists, computer data, or other information lawfully obtained from public resources and available to the general public for nonlegislative purposes;

(C) Telephone, facsimile, or other communications use that arises out of or in connection with the member's ordinary course of business;

(D) A member's use of the member's Capitol or Legislative Office Building office facilities for nonlegislative purposes if the use does not interfere with the performance of public duties by the member and there is no cost to the state for such use other than utility costs and normal wear and tear;

(E) The storing and maintenance of campaign finance and election records in legislative office;

(F) Normal and customary caucus activities;

(G) Any other use that is not inconsistent with public service;

(3) No member or employee of the House shall knowingly seek, accept, use, allocate, grant, or award public funds for a purpose other than that approved by law or make a false statement in connection with a claim, request, or application for public funds;

(4) No member or employee of the House shall directly or indirectly:

(A) Perform or withhold, or state or imply that the member or employee will perform or withhold, any official action solely as a result of a person's decision to provide or not provide a political contribution;

(B) Perform or withhold, or state or imply that the member or employee will perform or withhold, any

constituent service solely as a result of a person's decision to provide or not provide a political contribution;

(5) No member or employee of the House shall improperly retaliate against any state employee or any other person for reporting to any appropriate authority any conduct which such person believes to be unlawful or improper;

(6) Sexual harassment is prohibited and shall subject the offender to possible sanctions, penalties, or legal action. Unwelcomed sexual advances, unwelcomed requests for sexual favors, and other unwelcomed verbal or physical conduct of a sexual nature shall constitute sexual harassment when: (A) submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment; or (B) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting an individual; or (C) such conduct interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment;

(7) No member or employee of the House shall knowingly violate any rule of the House, including without limitation the provisions of these rules relating to confidentiality of proceedings of the Committee on Ethics; and

(8) No member or employee shall commit any felony or crime involving moral turpitude which felony or other crime is related to the member's or employee's service as a public officer or employee.

Rule 172. (a) The Committee on Ethics may undertake activities appropriate to educate members of the House with respect to proper and ethical conduct. The committee shall provide for the annual compilation, publication, and distribution of a manual or handbook containing relevant provisions of these rules and laws relevant to proper and ethical conduct of members and employees.

(b) All persons who are newly elected to the House in the year 2000 or thereafter who have not previously served in the House shall complete a course of training relating to proper and ethical conduct of members. Such course may be completed at the Biennial Institute for Legislators or on other appropriate occasions. The Committee on Ethics shall cooperate with the Georgia General Assembly Training Institute and the Carl Vinson Institute of Government of the University of Georgia in making such training available to newly elected members and other members of the House. The failure of a member to take the training provided for in this rule shall not prevent the member from taking office or serving as a member of the House.

Rule 173. It is the policy of the House of Representatives that each candidate seeking nomination and election to the House of Representatives is urged to submit the results of a voluntary, established drug test conducted in accordance with the requirements of Code Section 21-2-140 of the Official Code of Georgia Annotated as such Code section existed on January 1, 1993, to the officer with whom such candidate qualifies stating that such candidate has been voluntarily tested for illegal drugs within

30 days prior to qualifying for nomination or election and that the results of such test are negative.

Rules for the Government  
of the General Assembly  
When in Joint Session

1. The Senate and House of Representatives shall meet in joint session in the chamber of the House of Representatives as soon as possible after the start of the session, at such time as may be fixed by joint resolution of both houses, for the purpose of electing such officers of the state as may be required to be elected by the General Assembly. Such joint session shall continue in morning and afternoon sessions from day to day until all of such officers are elected.

2. The time of the meeting of the two houses in joint session shall be determined otherwise by concurrent resolution of the Senate and House of Representatives, except where provided by law.

When the Senate and the House of Representatives unite for the purpose of elections, they shall meet in the chamber of the House of Representatives at the hour determined by the concurrent resolution, and the President of the Senate shall preside and declare the res

3. The President of the Senate shall preside, announce that the General Assembly is in joint session, and cause to be read the resolution convening the same. The President of the Senate shall put all questions to the body and decide all questions of order. An appeal may be taken from any of the President's decisions to the whole General As

In the absence of the President of the Senate, the Speaker of the House shall preside; in the absence of both the President of the Senate and the Speaker of the House, the President Pro Tempore of the Senate shall preside; in the absence of the three last named, the Speaker Pro Tempore of the House shall preside.

4. A majority of each house shall be necessary to constitute a quorum of the joint session.

5. After a person is nominated for any office in joint session of the General Assembly, it shall not be in order to second such nomination. When the nomination is declared closed, the President shall forthwith order the roll call, and each member, when called, shall rise in his or her seat and respond promptly, announcing distinctly his or her choice for such office.

6. No debate shall be in order, except as to questions of or

7. The election in joint session shall be by recorded vote, and the vote shall appear on the journal of the House of Representatives. The votes are to be taken for but one election at one time, and a majority of the whole number of members to which the General Assembly is entitled is necessary for a choice.

8. In elections by the General Assembly, no member, after having voted, shall be allowed to change his or her vote unless the member rises and states in his or her place that he or she voted by mistake or that his or her vote has been recorded by mistake.

9. No motion to adjourn shall be in order. In lieu thereof, there shall be the motion to dissolve the joint session, which shall be in the form,

"that the joint session of the General Assembly be now dissolved," or "that the joint session of the General Assembly be now dissolved to be reconvened at (a time named)." The latter motion shall have precedence over the former.

10. The motion to dissolve the joint session, either indefinitely or until a fixed time, shall always be in order, except that, after the roll call has commenced, it shall not be in order until after the result of the vote has been declared by the President of the Senate.

11. When a motion to dissolve a joint session is decided in the negative, the motion shall not again be in order until other business has intervened.

12. When a motion to dissolve a joint session, either indefinitely or to a fixed time, is decided in the affirmative, the President of the Senate shall so declare, and the Senate shall, without further motion, immediately return to the Senate chamber.

13. These rules may be amended by the concurrent resolution of the two houses. Any or all of these rules shall cease to be in force when either house shall notify the other house of the withdrawal of its consent to the same.

## APPENDIX

Selected Provisions of the Constitution  
of the State of Georgia of 1983Bill of Rights

Article I, Section I, Paragraph X. Bill of attainder; ex post facto laws; and retroactive laws. No bill of attainder, ex post facto law, retroactive law, or laws impairing the obligation of contract or making irrevocable grant of special privileges or immunities shall be passed.

Article I, Section II, Paragraph III. Separation of legislative, judicial, and executive powers. The legislative, judicial, and executive powers shall forever remain separate and distinct; and no person discharging the duties of one shall at the same time exercise the functions of either of the others except as herein provided.

Article I, Section II, Paragraph V. What acts void. Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them.

Voting and Elections

Article II, Section II, Paragraph III. Persons not eligible to hold office. No person who is not a registered voter; who has been convicted of a felony involving moral turpitude, unless that person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude; who is a defaulter for any federal, state, county, municipal, or school system taxes required of such officeholder or candidate if such person has been finally adjudicated by a court of competent jurisdiction to owe those taxes, but such ineligibility may be removed at any time by full payment thereof, or by making payments to the tax authority pursuant to a payment plan, or under such other conditions as the General Assembly may provide by general law; or who is the holder of public funds illegally shall be eligible to hold any office or appointment of honor or trust in this state. Additional conditions of eligibility to hold office for persons elected on a write-in vote and for persons holding offices or appointments of honor or trust other than elected offices created by this Constitution may be provided by law.

Article II, Section II, Paragraph V. Vacancies created by elected officials qualifying for other office. The office of any state, county, or municipal elected official shall be declared vacant upon such elected official qualifying, in a general primary or general election, or special primary or special election, for another state, county, or municipal elective office or qualifying for the House of Representatives or the Senate of the United States if the term of the office for which such official is qualifying for begins more than 30 days prior to the expiration of such official's present term of office. The vacancy created in any such office shall be filled as provided by this Constitution or any general or local law. This provision shall not apply to any elected official seeking or holding more than one elective office when the holding of such offices simultaneously is specifically authorized by .



Article II, Section III, Paragraph II. Suspension upon felony conviction. Upon initial conviction of any public official designated in Paragraph I of this section for any felony in a trial court of this state or the United States, regardless of whether the officer has been suspended previously under Paragraph I of this section, such public official shall be immediately and without further action suspended from office. While a public official is suspended from office under this Paragraph, he or she shall not be entitled to receive the compensation from his or her office. If, during the remainder of the elected official's term of office, the conviction is later overturned as a result of any direct appeal or application for a writ of certiorari, the public official shall be immediately reinstated to the office from which he or she was suspended and shall be entitled to receive any compensation withheld under the provisions of this Paragraph. Unless the Governor is the public official under suspension, for the duration of any suspension under this Paragraph, the Governor shall appoint a replacement official except in the case of a member of the General Assembly. If the public officer under suspension is a member of the Senate or House of Representatives, then a replacement member for the duration of the suspension shall be elected as now or hereafter provided by law, in a manner the same as or similar to the election of a member to fill a vacancy in the General Assembly but to serve only for the duration of the suspension. If the Governor is the public officer under suspension, the provisions of Article V, Section I, Paragraph V of this Constitution shall apply as if the Governor were temporarily disabled. Upon a final conviction with no appeal or review pending, the office shall be declared vacant and a successor to that office shall be chosen as provided in this Constitution or the laws enacted in pursuance thereof. The provisions of this Paragraph shall not apply to any conviction rendered prior to January 1, 1987.

### Legislative Branch

Article III, Section I, Paragraph I. Power vested in General Assembly. The legislative power of the state shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives.

Article III, Section II, Paragraph I. Senate and House of Representatives. (a) The Senate shall consist of not more than 56 Senators, each of whom shall be elected from single-member dis-

(b) The House of Representatives shall consist of not fewer than 180 Representatives apportioned among representative districts of the state.

Article III, Section II, Paragraph II. Apportionment of General Assembly. The General Assembly shall apportion the Senate and House districts. Such districts shall be composed of contiguous territory. The apportionment of the Senate and of the House of Representatives shall be changed by the General Assembly as necessary after each United States decennial census.

Article III, Section II, Paragraph III. Qualifications of members of General Assembly. (a) At the time of their election, the members of the Senate shall be citizens of the United States, shall be at least 25 years of age, shall have been citizens of this state for at least two years, and shall have been legal residents of the territory embraced within the district from which elected for at least one year.

(b) At the time of their election, the members of the House of Representatives shall be citizens of the United States, shall be at least 21 years of age, shall have been citizens of this state for at least two years, and shall have been legal residents of the territory embraced within the district from which elected for at least one year.

Article III, Section II, Paragraph IV. Disqualifications. (a) No person on active duty with any branch of the armed forces of the United States shall have a seat in either house unless otherwise provided by law.

(b) No person holding any civil appointment or office having any emolument annexed thereto under the United States, this state, or any other state shall have a seat in either house.

(c) No Senator or Representative shall be elected by the General Assembly or appointed by the Governor to any office or appointment having any emolument annexed thereto during the time for which such person shall have been elected unless the Senator or Representative shall first resign the seat to which elected; provided, however, that, during the term for which elected, no Senator or Representative shall be appointed to any civil office which has been created during such term.

Article III, Section II, Paragraph V. Election and term of members. (a) The members of the General Assembly shall be elected by the qualified electors of their respective districts for a term of two years and shall serve until the time fixed for the convening of the next General Assembly.

(b) The members of the General Assembly in office on June 30, 1983, shall serve out the remainder of the terms to which elected.

(c) The first election for members of the General Assembly under this Constitution shall take place on Tuesday after the first Monday in November, 1984, and subsequent elections biennially on that day until the day of election is changed by law.

Article III, Section III, Paragraph I. President and President Pro Tempore of the Senate. (a) The presiding officer of the Senate shall be styled the President of the Senate.

(b) A President Pro Tempore shall be elected by the Senate from among its members. The President Pro Tempore shall act as President in case of the temporary disability of the President. In case of the death, resignation, or permanent disability of the President or in the event of the succession of the President to the executive power, the President Pro Tempore shall become President and shall receive the same compensation and allowances as the Speaker of the House of Representatives. The General Assembly shall provide by law for the method of determining disability as provided in this Paragraph.

Article III, Section III, Paragraph II. Speaker and Speaker Pro Tempore of the House of Representatives. (a) The presiding officer of the House of Representatives shall be styled the Speaker of the House of Representatives and shall be elected by the House of Representatives from among its members.

(b) A Speaker Pro Tempore shall be elected by the House of Representatives from among its members. The Speaker Pro Tempore shall become Speaker in case of the death, resignation, or permanent disability

of the Speaker and shall serve until a Speaker is elected. Such election shall be held as provided in the rules of the House. The General Assembly shall provide by law for the method of determining disability as provided in this Paragraph.

Article III, Section III, Paragraph III. Other officers of the two houses. The other officers of the two houses shall be a Secretary of the Senate and a Clerk of the House of Representatives.

Article III, Section IV, Paragraph I. Meeting, time limit, and adjournment. (a) The Senate and House of Representatives shall organize each odd-numbered year and shall be a different General Assembly for each two-year period. The General Assembly shall meet in regular session on the second Monday in January of each year, or otherwise as provided by law, and may continue in session for a period of no longer than 40 days in the aggregate each year. By concurrent resolution, the General Assembly may adjourn any regular session to such later date as it may fix for reconvening. Separate periods of adjournment may be fixed by one or more such concurrent resolutions.

(b) Neither house shall adjourn during a regular session for more than three days or meet in any place other than the state capitol without the consent of the other. Following the fifth day of a special session, either house may adjourn not more than twice for a period not to exceed seven days for each such adjournment. In the event either house, after the thirtieth day of any session, adopts a resolution to adjourn for a specified period of time and such resolution and any amendments thereto are not adopted by both houses by the end of the legislative day on which adjournment was called for in such resolution, the Governor may adjourn both houses for a period of time not to exceed ten days.

(c) If an impeachment trial is pending at the end of any session, the House shall adjourn and the Senate shall remain in session until such trial is completed.

Article III, Section IV, Paragraph II. Oath of members. Each Senator and Representative, before taking the seat to which elected, shall take the oath or affirmation prescribed by law.

Article III, Section IV, Paragraph III. Quorum. A majority of the members to which each house is entitled shall constitute a quorum to transact business. A smaller number may adjourn from day to day and compel the presence of its absent members.

Article III, Section IV, Paragraph IV. Rules of procedure; employees; interim committees. Each house shall determine its rules of procedure and may provide for its employees. Interim committees may be created by or pursuant to the authority of the General Assembly or of either house.

Article III, Section IV, Paragraph V. Vacancies. When a vacancy occurs in the General Assembly, it shall be filled as provided by this Constitution and by law. The seat of a member of either house shall be vacant upon the removal of such member's legal residence from the district from which elected.

Article III, Section IV, Paragraph VI. Salaries. The members of the General Assembly shall receive such salary as shall be provided for

by law, provided that no increase in salary shall become effective prior to the end of the term during which such change is made.

Article III, Section IV, Paragraph VII. Election and returns; disorderly conduct. Each house shall be the judge of the election, returns, and qualifications of its members and shall have power to punish them for disorderly behavior or misconduct by censure, fine, imprisonment, or expulsion; but no member shall be expelled except by a vote of two-thirds of the members of the house to which such member be

Article III, Section IV, Paragraph VIII. Contempts, how punished. Each house may punish by imprisonment, not extending beyond the session, any person not a member who shall be guilty of a contempt by any disorderly behavior in its presence or who shall rescue or attempt to rescue any person arrested by order of either house.

Article III, Section IV, Paragraph IX. Privilege of members. The members of both houses shall be free from arrest during sessions of the General Assembly, or committee meetings thereof, and in going thereto or returning therefrom, except for treason, felony, or breach of the peace. No member shall be liable to answer in any other place for anything spoken in either house or in any committee meeting of either house.

Article III, Section IV, Paragraph X. Elections by either house. All elections by either house of the General Assembly shall be by recorded vote, and the vote shall appear on the respective journal of each house.

Article III, Section IV, Paragraph XI. Open meetings. The sessions of the General Assembly and all standing committee meetings thereof shall be open to the public. Either house may by rule provide for exceptions to this requirement.

Article III, Section V, Paragraph I. Journals and laws. Each house shall keep and publish after its adjournment a journal of its proceedings. The original journals shall be the sole, official records of the proceedings of each house and shall be preserved as provided by law. The General Assembly shall provide for the publication of the laws passed at each session.

Article III, Section V, Paragraph II. Bills for revenue. All bills for raising revenue, or appropriating money, shall originate in the House of Representatives.

Article III, Section V, Paragraph III. One subject matter expressed. No bill shall pass which refers to more than one subject matter or contains matter different from what is expressed in the title thereof.

Article III, Section V, Paragraph IV. Statutes and sections of Code, how amended. No law or section of the Code shall be amended or repealed by mere reference to its title or to the number of it of the Code; but the amending or repealing Act shall distinctly describe the law or Code section to be amended or repealed as well as the alteration to be made.

Article III, Section V, Paragraph V. Majority of members to pass bill. No bill shall become law unless it shall receive a majority of the votes of all the members to which each house is entitled, and such vote shall so appear on the journal of each house.

Article III, Section V, Paragraph VI. When roll-call vote taken.

In either house, when ordered by the presiding officer or at the desire of one-fifth of the members present or a lesser number if so provided by the rules of either house, a roll-call vote on any question shall be taken and shall be entered on the journal. The yeas and nays in each house shall be recorded and entered on the journal upon the passage or rejection of any bill or resolution appropriating money and whenever the Constitution requires a vote of two-thirds of either or both houses for the passage of a bill or resolution.

Article III, Section V, Paragraph VII. Reading of general bills.

The title of every general bill and of every resolution intended to have the effect of general law or to amend this Constitution or to propose a new Constitution shall be read three times and on three separate days in each house before such bill or resolution shall be voted upon; and the third reading of such bill and resolution shall be in their entirety when ordered by the presiding officer or by a majority of the members voting on such question in either house.

Article III, Section V, Paragraph VIII. Procedure for considering local legislation. The General Assembly may provide by law for the procedure for considering local legislation. The title of every local bill and every resolution intended to have the effect of local law shall be read at least once before such bill or resolution shall be voted upon; and no such bill or resolution shall be voted upon prior to the second day following the day of introduction.

Article III, Section V, Paragraph IX. Advertisement of notice to introduce local legislation. The General Assembly shall provide by law for the advertisement of notice of intention to introduce local

Article III, Section V, Paragraph X. Acts signed. All Acts shall be signed by the President of the Senate and the Speaker of the House of Representatives.

Article III, Section V, Paragraph XI. Signature of Governor. No provision in this Constitution for a two-thirds' vote of both houses of the General Assembly shall be construed to waive the necessity for the signature of the Governor as in any other case, except in the case of the two-thirds' vote required to override the veto or to submit proposed constitutional amendments or a proposal for a new Constitution

Article III, Section V, Paragraph XII. Rejected bills. No bill or resolution intended to have the effect of law which shall have been rejected by either house shall again be proposed during the same regular or special session under the same or any other title without the consent of two-thirds of the house by which the same was rejected.

Article III, Section V, Paragraph XIII. Approval, veto, and override of veto of bills and resolutions. (a) All bills and all resolutions which have been passed by the General Assembly intended to have the effect of law shall become law if the Governor approves or fails to veto the same within six days from the date any such bill or resolution is transmitted to the Governor unless the General Assembly adjourns sine die or adjourns for more than 40 days prior to the expiration of said six days. In the case of such adjournment sine die or of such adjournment for more than 40 days, the same shall become law if approved or not vetoed by the Governor within 40 days from the date of any such adjournment.

(b) During sessions of the General Assembly or during any period of adjournment of a session of the General Assembly, no bill or resolution shall be transmitted to the Governor after passage except upon request of the Governor or upon order of two-thirds of the membership of each house. A local bill which is required by the Constitution to have a referendum election conducted before it shall become effective shall be transmitted immediately to the Governor when ordered by the presiding officer of the house wherein the bill shall have originated or upon order of two-thirds of the membership of such house.

(c) The Governor shall have the duty to transmit any vetoed bill or resolution, together with the reasons for such veto, to the presiding officer of the house wherein it originated within three days from the date of veto if the General Assembly is in session on the date of transmission. If the General Assembly adjourns sine die or adjourns for more than 40 days, the Governor shall transmit any vetoed bill or resolution, together with the reasons for such veto, to the presiding officer of the house wherein it originated within 60 days of the date of such adjournment.

(d) During sessions of the General Assembly, any vetoed bill or resolution may upon receipt be immediately considered by the house wherein it originated for the purpose of overriding the veto. If two-thirds of the members to which such house is entitled vote to override the veto of the Governor, the same shall be immediately transmitted to the other house where it shall be immediately considered. Upon the vote to override the veto by two-thirds of the members to which such other house is entitled, such bill or resolution shall become law. All bills and resolutions vetoed during the last three days of the session and not considered for the purpose of overriding the veto and all bills and resolutions vetoed after the General Assembly has adjourned sine die may be considered at the next session of the General Assembly for the purpose of overriding the veto in the manner herein provided. If either house shall fail to override the Governor's veto, neither house shall again consider such bill or resolution for the purpose of overriding such veto.

(e) The Governor may approve any appropriation and veto any other appropriation in the same bill, and any appropriation vetoed shall not become law unless such veto is overridden in the manner herein provided.

Article III, Section V, Paragraph XIV. Jointly sponsored bills and resolutions. The General Assembly may provide by law for the joint sponsorship of bills and resolutions.

Article III, Section VI, Paragraph I. General powers. The General Assembly shall have the power to make all laws not inconsistent with this Constitution, and not repugnant to the Constitution of the United States, which it shall deem necessary and proper for the welfare of the state.

Article III, Section VI, Paragraph II. Specific powers.  
(a) Without limitation of the powers granted under Paragraph I, the General Assembly shall have the power to provide by law for:

(1) Restrictions upon land use in order to protect and preserve the natural resources, environment, and vital areas of this state.

(2) A militia and for the trial by courts-martial and nonjudicial punishment of its members, the discipline of whom,

when not in federal service, shall be in accordance with law and the directives of the Governor acting as commander in (

(3) The participation by the state and political subdivisions and instrumentalities of the state in federal programs and the compliance with laws relating thereto, including but not limited to the powers, which may be exercised to the extent and in the manner necessary to effect such participation and compliance, to tax, to expend public money, to condemn property, and to zone property.

(4) The continuity of state and local governments in periods of emergency resulting from disasters caused by enemy attack including but not limited to the suspension of all constitutional legislative rules during such emergency

(5) The participation by the state with any county, municipality, nonprofit organization, or any combination thereof in the operation of any of the facilities operated by such agencies for the purpose of encouraging and promoting tourism in this state.

(6) The control and regulation of outdoor advertising devices adjacent to federal aid interstate and primary highways and for the acquisition of property or interest therein for such purposes and may exercise the powers of taxation and provide for the expenditure of public funds in connection therewith

(b) The General Assembly shall have the power to implement the provisions of Article I, Section III, Paragraph I(2.); Article IV, Section VIII, Paragraph II; Article IV, Section VIII, Paragraph III; and Article X, Section II, Paragraph XII of the Constitution of 1976 in force and effect on June 30, 1983; and all laws heretofore adopted thereunder and valid at the time of their enactment shall continue in force and effect until modified or repealed.

(c) The distribution of tractors, farm equipment, heavy equipment, new motor vehicles, and parts therefor in the State of Georgia vitally affects the general economy of the state and the public interest and public welfare. Notwithstanding the provisions of Article I, Section I, Paragraphs I, II, and III or Article III, Section VI, Paragraph V(c) of this Constitution, the General Assembly in the exercise of its police power shall be authorized to regulate tractor, farm equipment, heavy equipment, and new motor vehicle manufacturers, distributors, dealers, and their representatives doing business in Georgia, including agreements among such parties, in order to prevent frauds, unfair business practices, unfair methods of competition, impositions, and other abuses upon its citizens. Any law enacted by the General Assembly shall not impair the obligation of an existing contract but may apply with respect to the renewal of such a contract after the effective date of such law.

Article III, Section VI, Paragraph III. Powers not to be abridged. The General Assembly shall not abridge its powers under this Constitution. No law enacted by the General Assembly shall be construed to limit its powers.

Article III, Section VI, Paragraph IV. Limitations on special legislation. (a) Laws of a general nature shall have uniform operation throughout this state and no local or special law shall be enacted in any

case for which provision has been made by an existing general law, except that the General Assembly may by general law authorize local governments by local ordinance or resolution to exercise police powers which do not conflict with general laws.

(b) No population bill, as the General Assembly shall define by general law, shall be passed. No bill using classification by population as a means of determining the applicability of any bill or law to any political subdivision or group of political subdivisions may expressly or impliedly amend, modify, supersede, or repeal the general law defining a population bill.

(c) No special law relating to the rights or status of private persons shall be enacted.

Article III, Section VI, Paragraph V. Specific limitations. (a) The General Assembly shall not have the power to grant incorporation to private persons but shall provide by general law the manner in which private corporate powers and privileges may be granted.

(b) The General Assembly shall not forgive the forfeiture of the charter of any corporation existing on August 13, 1945, nor shall it grant any benefit to or permit any amendment to the charter of any corporation except upon the condition that the acceptance thereof shall operate as a novation of the charter and that such corporation shall thereafter hold its charter subject to the provisions of this Constitution.

(c) The General Assembly shall not have the power to authorize any contract or agreement which may have the effect of or which is intended to have the effect of defeating or lessening competition, or encouraging a monopoly, which are hereby declared to be unlawful and void.

(d) The General Assembly shall not have the power to regulate or fix charges of public utilities owned or operated by any county or municipality of this state, except as authorized by this Const

(e) No municipal or county authority which is authorized to construct, improve, or maintain any road or street on behalf of, pursuant to a contract with, or through the use of taxes or other revenues of a county or municipal corporation shall be created by any local Act or pursuant to any general Act nor shall any law specifically relating to any such authority be amended unless the creation of such authority or the amendment of such law is conditioned upon the approval of a majority of the qualified voters of the county or municipal corporation affected voting in a referendum thereon. This subparagraph shall not apply to or affect any state authority.

Article III, Section VI, Paragraph VI. Gratuities. (a) Except as otherwise provided in the Constitution, (1) the General Assembly shall not have the power to grant any donation or gratuity or to forgive any debt or obligation owing to the public, and (2) the General Assembly shall not grant or authorize extra compensation to any public officer, agent, or contractor after the service has been rendered or the contract entered into.

(b) All laws heretofore adopted under Article III, Section VIII, Paragraph XII of the Constitution of 1976 in force and effect on June 30, 1983, shall continue in force and effect and may be amended if such



amendments are consistent with the authority granted to the General Assembly by such provisions of said Constitution.

(c) The General Assembly may provide by law and may expend or authorize the expenditure of public funds for a health insurance plan or program for persons and the spouses and dependent children of persons who are retired former employees of public schools or public school systems of this state.

(d) The General Assembly may provide by law for indemnification with respect to licensed emergency management rescue specialists who are or have been killed or permanently disabled in the line of duty on or after January 1, 1991, and publicly employed emergency medical technicians who are or have been killed or permanently disabled in the line of duty on or after January 1, 1987.

(e) The General Assembly may provide by law for a program of indemnification with respect to the death or permanent disability of any law enforcement officer, fireman, prison guard, or publicly employed emergency medical technician who is or at any time in the past was killed or permanently disabled in the line of duty. Funds shall be appropriated as necessary for payment of such indemnification or for the purchase of insurance for such indemnification or both.

(f) The General Assembly is authorized to provide by law for compensating innocent victims of crimes which occur on and after July 1, 1989. The General Assembly is authorized to define the types of victims eligible to receive compensation and to vary the amounts of compensation according to need. The General Assembly shall be authorized to allocate certain funds, to appropriate funds, to provide for a continuing fund, or to provide for any combination thereof for the purpose of compensating innocent victims of crime and for the administration of any laws enacted for such purpose.

Article III, Section VII, Paragraph I. Power to impeach. The House of Representatives shall have the sole power to vote impeachment charges against any executive or judicial officer of this state or any member of the General Assembly.

Article III, Section VII, Paragraph II. Trial of impeachments. The Senate shall have the sole power to try impeachments. When sitting for that purpose, the Senators shall be on oath, or affirmation, and shall be presided over by the Chief Justice of the Supreme Court. Should the Chief Justice be disqualified, then the Presiding Justice shall preside. Should the Presiding Justice be disqualified, then the Senate shall select a Justice of the Supreme Court to preside. No person shall be convicted without concurrence of two-thirds of the members to which the Senate is entitled.

Article III, Section VII, Paragraph III. Judgments in impeachment. In cases of impeachment, judgments shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit within this state or to receive a pension therefrom, but no such judgment shall relieve any party from any criminal or civil liability.

Article III, Section VIII, Paragraph I. Regulation of insurance. Provision shall be made by law for the regulation of insurance

Article III, Section VIII, Paragraph II. Issuance of licenses.

Insurance licenses shall be issued by the Commissioner of Insurance as required by law.

Article III, Section IX, Paragraph I. Public money, how drawn.

No money shall be drawn from the treasury except by appropriation made by law.

Article III, Section IX, Paragraph II. Preparation, submission,

and enactments of general appropriations bill. (a) The Governor shall submit to the General Assembly within five days after its convening in regular session each year a budget message and a budget report, accompanied by a draft of a general appropriations bill, in such form and manner as may be prescribed by statute, which shall provide for the appropriation of the funds necessary to operate all the various departments and agencies and to meet the current expenses of the state for the next fiscal year.

(b) The General Assembly shall annually appropriate those state and federal funds necessary to operate all the various departments and agencies. To the extent that federal funds received by the state for any program, project, activity, purpose, or expenditure are changed by federal authority or exceed the amount or amounts appropriated in the general appropriations Act or supplementary appropriation Act or Acts, or are not anticipated, such excess, changed or unanticipated federal funds are hereby continually appropriated for the purposes authorized and directed by the federal government in making the grant. In those instances where the conditions under which the federal funds have been made available do not provide otherwise, federal funds shall first be used to replace state funds that were appropriated to supplant federal funds in the same state fiscal year. The fiscal year of the state shall commence on the first day of July of each year and terminate on the thirtieth of June f

(c) The General Assembly shall by general law provide for the regulation and management of the finance and fiscal administration of the state.

Article III, Section IX, Paragraph III. General appropriations

bill. The general appropriations bill shall embrace nothing except appropriations fixed by previous laws; the ordinary expenses of the executive, legislative, and judicial departments of the government; payment of the public debt and interest thereon; and for support of the public institutions and educational interests of the state. All other appropriations shall be made by separate bills, each embracing but one subject.

Article III, Section IX, Paragraph IV. General appropriations

Act. (a) Each general appropriations Act, now of force or hereafter adopted with such amendments as are adopted from time to time, shall continue in force and effect for the next fiscal year after adoption and it shall then expire, except for the mandatory appropriations required by this Constitution and those required to meet contractual obligations authorized by this Constitution and the continued appropriation of federal grants.

(b) The General Assembly shall not appropriate funds for any given fiscal year which, in aggregate, exceed a sum equal to the amount of unappropriated surplus expected to have accrued in the state treasury at the beginning of the fiscal year together with an amount not greater

than the total treasury receipts from existing revenue sources anticipated to be collected in the fiscal year, less refunds, as estimated in the budget report and amendments thereto. Supplementary appropriations, if any, shall be made in the manner provided in Paragraph V of this section of the Constitution; but in no event shall a supplementary appropriations Act continue in force and effect beyond the expiration of the general appropriations Act in effect when such supplementary appropriations Act was adopted and approved.

(c) All appropriated state funds, except for the mandatory appropriations required by this Constitution, remaining unexpended and not contractually obligated at the expiration of such general appropriations Act shall lapse.

(d) Funds appropriated to or received by the State Housing Trust Fund for the Homeless shall not be subject to the provisions of Article III, Section IX, Paragraph IV(c), relative to the lapsing of funds, and may be expended for programs of purely public charity for the homeless, including programs involving the participation of churches and religious institutions, notwithstanding the provisions of Article I, Section II, Paragraph VII.

Article III, Section IX, Paragraph V. Other or supplementary appropriations. In addition to the appropriations made by the general appropriations Act and amendments thereto, the General Assembly may make additional appropriations by Acts, which shall be known as supplementary appropriation Acts, provided no such supplementary appropriation shall be available unless there is an unappropriated surplus in the state treasury or the revenue necessary to pay such appropriation shall have been provided by a tax laid for such purpose and collected into the general fund of the state treasury. Neither house shall pass a supplementary appropriation bill until the general appropriations Act shall have been finally adopted by both houses and approved by the Governor.

Article III, Section IX, Paragraph VI. Appropriations to be for specific sums. (a) Except as hereinafter provided, the appropriation for each department, officer, bureau, board, commission, agency, or institution for which appropriation is made shall be for a specific sum of money; and no appropriation shall allocate to any object the proceeds of any particular tax or fund or a part or percentage thereof.

(b) An amount equal to all money derived from motor fuel taxes received by the state in each of the immediately preceding fiscal years, less the amount of refunds, rebates, and collection costs authorized by law, is hereby appropriated for the fiscal year beginning July 1, of each year following, for all activities incident to providing and maintaining an adequate system of public roads and bridges in this state, as authorized by laws enacted by the General Assembly of Georgia, and for grants to counties by law authorizing road construction and maintenance, as provided by law authorizing such grants. Said sum is hereby appropriated for, and shall be available for, the aforesaid purposes regardless of whether the General Assembly enacts a general appropriations Act; and said sum need not be specifically stated in any general appropriations Act passed by the General Assembly in order to be available for such purposes. However, this shall not preclude the General Assembly from appropriating for such purposes an amount greater than the sum specified above for such purposes. The expenditure of such funds shall be subject to all the rules, regulations, and restrictions imposed on the expenditure of appropriations by provisions of the Constitution and laws

of this state, unless such provisions are in conflict with the provisions of this paragraph. And provided, however, that the proceeds of the tax hereby appropriated shall not be subject to budgetary reduction. In the event of invasion of this state by land, sea, or air or in case of a major catastrophe so proclaimed by the Governor, said funds may be utilized for defense or relief purposes on the executive order of the Governor.

(c) A trust fund for use in the reimbursement of a portion of an employer's workers' compensation expenses resulting to an employee from the combination of a previous disability with subsequent injury incurred in employment may be provided for by law. As authorized by law, revenues raised for purposes of the fund may be paid into and disbursed from the trust without being subject to the limitations of subparagraph (a) of this Paragraph or of Article VII, Section III, Paragraph II.

(d) As provided by law, additional penalties may be assessed in any case in which any court in this state imposes a fine or orders the forfeiture of any bond in the nature of the penalty for all offenses against the criminal and traffic laws of this state or of the political subdivisions of this state. The proceeds derived from such additional penalty assessments may be allocated for the specific purpose of meeting any and all costs, or any portion of the cost, of providing training to law enforcement officers and to prosecuting officials.

(e) The General Assembly may by general law approved by a three-fifths' vote of both houses designate any part or all of the proceeds of any state tax now or hereafter levied and collected on alcoholic beverages to be used for prevention, education, and treatment relating to alcohol and drug abuse.

(f) The General Assembly is authorized to provide by law for the creation of a State Children's Trust Fund from which funds shall be disbursed for child abuse and neglect prevention programs. The General Assembly is authorized to appropriate moneys to such fund and such moneys paid into the fund shall not be subject to the provisions of Article III, Section IX, Paragraph IV(c), relative to the lapsing of funds.

(g) The General Assembly is authorized to provide by law for the creation of a Seed-Capital Fund from which funds shall be disbursed at the direction of the Advanced Technology Development Center of the University System of Georgia to provide equity and other capital to small, young, entrepreneurial firms engaged in innovative work in the areas of technology, manufacturing, or agriculture. Funds shall be disbursed in the form of loans or investments which shall provide for repayment, rents, dividends, royalties, or other forms of return on investments as provided by law. Moneys received from returns on loans or investments shall be deposited in the Seed-Capital Fund for further disbursement. The General Assembly is authorized to appropriate moneys to such fund and such moneys paid into the fund shall not be subject to the provisions of Article III, Section IX, Paragraph IV(c) relative to the lapsing of funds. The General Assembly shall be authorized to provide by law for any matters relating to the purpose or provisions of this subparagraph.

(h) The General Assembly is authorized to provide by general law for additional penalties or fees in any case in any court in this state in which a person is adjudged guilty of an offense against the criminal or traffic laws of this state or an ordinance of a political subdivision of this state. The General Assembly is authorized to provide by general law for the allocation of such additional penalties or fees for the

construction, operation, and staffing of jails, correctional institutions, and detention facilities by counties.

(i) The General Assembly is authorized to provide by general law for the creation of an Indigent Care Trust Fund. Any hospital, hospital authority, county, or municipality is authorized to contribute or transfer moneys to the fund and any other person or entity specified by the General Assembly may also contribute to the fund. The General Assembly may provide by general law for the dedication and deposit of revenues raised from specified sources for the purposes of the fund into the fund. Moneys in the fund shall be exclusively used for primary health care programs for medically indigent citizens and children of this state, for expansion of Medicaid eligibility and services, or for programs to support rural and other health care providers, primarily hospitals, who disproportionately serve the medically indigent. Any other appropriation from the Indigent Care Trust Fund shall be void. Contributions and revenues deposited to the fund shall not lapse and shall not be subject to the limitations of subparagraph (a) of this Paragraph or of Article VII, Section III, Paragraph II. Contributions in the fund which are not appropriated as required by this subparagraph shall be refunded pro rata to the contributors thereof, as provided by the General Assembly.

(j) The General Assembly is authorized to provide by general law for the creation of an emerging crops fund from which to pay interest on loans made to farmers to enable such farmers to produce certain crops on Georgia farms and thereby promote economic development. The General Assembly is authorized to appropriate moneys to such fund and moneys so appropriated shall not be subject to the provisions of Article III, Section IX, Paragraph IV(c), relative to the lapsing of appropriated funds. Interest on loans made to farmers shall be paid from such fund pursuant to such terms, conditions, and requirements as the General Assembly shall provide by general law. The General Assembly may provide by general law for the administration of such fund by such state agency or public authority as the General Assembly shall determine.

(k) The General Assembly is authorized to provide by general law for additional penalties or fees in any case in any court in this state in which a person is adjudged guilty of an offense involving driving under the influence of alcohol or drugs. The General Assembly is authorized to provide by general law for the allocation of such additional penalties or fees to the Brain and Spinal Injury Trust Fund, as provided by law, for the specified purpose of meeting any and all costs, or any portion of the costs, of providing care and rehabilitative services to citizens of the state who have survived neurotrauma with head or spinal cord injuries. Moneys appropriated for such purposes shall not lapse. The General Assembly may provide by general law for the administration of such fund by such authority as the General Assembly shall determine.

(l) The General Assembly is authorized to provide by general law for the creation of a roadside enhancement and beautification fund from which funds shall be disbursed for enhancement and beautification of public rights of way; for allocation and dedication of revenue from tree and other vegetation trimming or removal permit fees, other related assessments, and special and distinctive wildflower motor vehicle license plate fees to such fund; that moneys paid into the fund shall not lapse, the provisions of Article III, Section IX, Paragraph IV(c) notwithstanding; and for any matters relating to the purpose or provisions of this subparagraph. An Act creating such fund and making such provisions

effective January 1, 1999, or later may originate or have originated in the Senate or the House of Representatives.

(m) There shall be within the Department of Agriculture a dog and cat reproductive sterilization support program to control dog and cat overpopulation and thereby reduce the number of animals housed and killed in animal shelters, which program shall be administered by the Commissioner of Agriculture. In order to fund the program, there shall be issued beginning in 2003 specially designed license plates promoting the program. The General Assembly shall provide by law for the issuance of such license plates and for dedication of certain revenue derived from fees for such plates to the support of the program. All such dedicated revenue derived from special license plate fees, any funds appropriated to the department for such purposes, and any voluntary contributions or other funds made available to the department for such purposes and all interest thereon shall be deposited in a special fund for support of the program, shall not be used for any purpose other than support of the program, and shall not lapse. The General Assembly may provide by law for all matters necessary or appropriate to the implementation of this paragraph.

Article III, Section IX, Paragraph VII. Appropriations void, when. Any appropriation made in conflict with any of the foregoing provisions shall be void.

Article III, Section X, Paragraph I. Expenditure of public funds authorized. Public funds may be expended for the purpose of paying benefits and other costs of retirement and pension systems for public officers and employees and their beneficiaries.

Article III, Section X, Paragraph II. Increasing benefits authorized. Public funds may be expended for the purpose of increasing benefits being paid pursuant to any retirement or pension system wholly or partially supported from public funds.

Article III, Section X, Paragraph III. Retirement systems covering employees of county boards of education. Notwithstanding Article IX, Section II, Paragraph III(a)(14), the authority to establish or modify heretofore existing local retirement systems covering employees of county boards of education shall continue to be vested in the General Assembly.

Article III, Section X, Paragraph IV. Firemen's Pension System. The powers of taxation may be exercised by the state through the General Assembly and the counties and municipalities for the purpose of paying pensions and other benefits and costs under a firemen's pension system or systems. The taxes so levied may be collected by such firemen's pension system or systems and disbursed therefrom by authority of the General Assembly for the purposes therein authorized.

Article III, Section X, Paragraph V. Funding standards. It shall be the duty of the General Assembly to enact legislation to define funding standards which will assure the actuarial soundness of any retirement or pension system supported wholly or partially from public funds and to control legislative procedures so that no bill or resolution creating or amending any such retirement or pension system shall be passed by the General Assembly without concurrent provisions for funding in accordance with the defined funding standards.

Article III, Section X, Paragraph V-A. Limitation on involuntary separation benefits for Governor of the State of Georgia. Any other

provisions of this Constitution to the contrary notwithstanding, no past, present, or future Governor of the State of Georgia who ceases or ceased to hold office as Governor for any reason, except for medical disability, shall receive a retirement benefit based on involuntary separation from employment as a result of ceasing to hold office as Governor. The provisions of any law in conflict with this Paragraph are null and void effective January 1, 1985.

Article III, Section X, Paragraph VI. Involuntary separation; part-time service. (a) Any public retirement or pension system provided for by law in existence prior to January 1, 1985, may be changed by the General Assembly for any one or more of the following purposes:

(1) To redefine involuntary separation from employment;  
or

(2) To provide additional or revise existing limitations or restrictions on the right to qualify for a retirement benefit based on involuntary separation from employment.

(b) The General Assembly by law may define or redefine part-time service, including but not limited to service as a member of the General Assembly, for the purposes of any public retirement or pension system presently existing or created in the future and may limit or restrict the use of such part-time service as creditable service under any such retirement or pension system.

(c) Any law enacted by the General Assembly pursuant to subparagraph (a) or (b) of this Paragraph may affect persons who are members of public retirement or pension systems on January 1, 1985, and who became members at any time prior to that date.

(d) Any law enacted by the General Assembly pursuant to subparagraph (a) or (b) of this Paragraph shall not be subject to any law controlling legislative procedures for the consideration of retirement or pension bills, including, but not limited to, any limitations on the sessions of the General Assembly at which retirement or pension bills may be introduced.

(e) No public retirement or pension system created on or after January 1, 1985, shall grant any person whose retirement is based on involuntary separation from employment a retirement or pension benefit more favorable than the retirement or pension benefit granted to a person whose separation from employment is voluntary.

#### Constitutional Boards and Commissions

Article IV, Section II, Paragraph II. Powers and authority. (a) Except as otherwise provided in this Paragraph, the State Board of Pardons and Paroles shall be vested with the power of executive clemency, including the powers to grant reprieves, pardons, and paroles; to commute penalties; to remove disabilities imposed by law; and to remit any part of a sentence for any offense against the state after convict:

(b)(1) When a sentence of death is commuted to life imprisonment, the board shall not have the authority to grant a pardon to the convicted person until such person has served at least 25 years in the penitentiary; and such person shall not

become eligible for parole at any time prior to serving at least 25 years in the penitentiary.

(2) The General Assembly may by general law approved by two-thirds of the members elected to each branch of the General Assembly in a roll-call vote provide for minimum mandatory sentences and for sentences which are required to be served in their entirety for persons convicted of armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, or aggravated sexual battery and, when so provided by such Act, the board shall not have the authority to consider such persons for pardon, parole, or commutation during that portion of the sentence.

(3) The General Assembly may by general law approved by two-thirds of the members elected to each branch of the General Assembly in a roll-call vote provide for the imposition of sentences of life without parole for persons convicted of murder and for persons who having been previously convicted of murder, armed robbery, kidnapping, rape, aggravated child molestation, aggravated sodomy, or aggravated sexual battery or having been previously convicted under the laws of any other state or of the United States of a crime which if committed in this state would be one of those offenses and who after such previous conviction subsequently commits and is convicted of one of those offenses and, when so provided by such Act, the board shall not have the authority to consider such persons for pardon, parole, or commutation from any portion of such sentence.

(4) Any general law previously enacted by the General Assembly providing for life without parole or for mandatory service of sentences without suspension, probation, or parole is hereby ratified and approved but such provisions shall be subject to amendment or repeal by general law.

(c) Notwithstanding the provisions of subparagraph (b) of this Paragraph, the General Assembly, by law, may prohibit the board from granting and may prescribe the terms and conditions for the board's granting a pardon or parole to:

(1) Any person incarcerated for a second or subsequent time for any offense for which such person could have been sentenced to life imprisonment; and

(2) Any person who has received consecutive life sentences as the result of offenses occurring during the same series of acts.

(d) The chairman of the board, or any other member designated by the board, may suspend the execution of a sentence of death until the full board shall have an opportunity to hear the application of the convicted person for any relief within the power of the board.

(e) Notwithstanding any other provisions of this Paragraph, the State Board of Pardons and Paroles shall have the authority to pardon any person convicted of a crime who is subsequently determined to be innocent of said crime or to issue a medical reprieve to an entirely incapacitated person suffering a progressively debilitating terminal illness or parole any person who is age 62 or older.



Article IV, Section IV, Paragraph I. State Transportation Board; commissioner. (a) There shall be a State Transportation Board composed of as many members as there are congressional districts in the state. The member of the board from each congressional district shall be elected by a majority vote of the members of the House of Representatives and Senate whose respective districts are embraced or partly embraced within such congressional district meeting in caucus. The members of the board in office on June 30, 1983, shall serve out the remainder of their respective terms. The General Assembly shall provide by law the procedure for the election of members and for filling vacancies on the board. Members shall serve for terms of five years and until their successors are elected and qualified.

(b) The State Transportation Board shall select a commissioner of transportation, who shall be the chief executive officer of the Department of Transportation and who shall have such powers and duties as provided by law.

#### Executive Branch

Article V, Section I, Paragraph V(c). Succession to executive power. (c) In case of the death, resignation, or permanent disability of both the Governor or the Governor-elect and the Lieutenant Governor or the Lieutenant Governor-elect or in case of the death, resignation, or permanent disability of the Governor and there shall be no Lieutenant Governor, the Speaker of the House of Representatives shall exercise the powers and duties of the Governor until the election and qualification of a Governor at a special election, which shall be held within 90 days from the date on which the Speaker of the House of Representatives shall have assumed the powers and duties of the Governor, and the person elected shall serve out the unexpired term.

Article V, Section II, Paragraph IV. Veto power. Except as otherwise provided in this Constitution, before any bill or resolution shall become law, the Governor shall have the right to review such bill or resolution intended to have the effect of law which has been passed by the General Assembly. The Governor may veto, approve, or take no action on any such bill or resolution. In the event the Governor vetoes any such bill or resolution, the General Assembly may, by a two-thirds' vote, override such veto as provided in Article III of this Constitution.

Article V, Section II, Paragraph V. Writs of election. The Governor shall issue writs of election to fill all vacancies that may occur in the Senate and in the House of Representatives.

Article V, Section II, Paragraph VII. Special sessions of the General Assembly. (a) The Governor may convene the General Assembly in special session by proclamation which may be amended by the Governor prior to the convening of the special session or amended by the Governor with the approval of three-fifths of the members of each house after the special session has convened; but no laws shall be enacted at any such special session except those which relate to the purposes stated in the proclamation or in any amendment thereto.

(b) The Governor shall convene the General Assembly in special session for all purposes whenever three-fifths of the members to which each house is entitled certify to the Governor in writing, with a copy to the Secretary of State, that in their opinion an emergency exists in the affairs of the state. The General Assembly may convene itself if, after

receiving such certification, the Governor fails to do so within three days, excluding Sundays.

(c) Special sessions of the General Assembly shall be limited to a period of 40 days unless extended by three-fifths' vote of each house and approved by the Governor or unless at the expiration of such an impeachment trial of some officer of state government is pending, in which event the House shall adjourn and the Senate shall remain in session until such trial is completed.

### Taxation and Finance

Article VII, Section I, Paragraph III. Uniformity; classification of property; assessment of agricultural land; utilities. (a) All taxes shall be levied and collected under general laws and for public purposes only. Except as otherwise provided in subparagraphs (b), (c), (d), and (e), all taxation shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax.

(b)(1) Except as otherwise provided in this subparagraph (b), classes of subjects for taxation of property shall consist of tangible property and one or more classes of intangible personal property including money; provided, however, that any taxation of intangible personal property may be repealed by general law without approval in a referendum effective for all taxable years beginning on or after January 1, 1996.

(2) Subject to the conditions and limitations specified by law, each of the following types of property may be classified as a separate class of property for ad valorem property tax purposes and different rates, methods, and assessment dates may be provided for such properties:

(A) Trailers.

(B) Mobile homes other than those mobile homes which qualify the owner of the home for a homestead exemption from ad valorem taxation.

(C) Heavy-duty equipment motor vehicles owned by nonresidents and operated in this state.

(3) Motor vehicles may be classified as a separate class of property for ad valorem property tax purposes, and such class may be divided into separate subclasses for ad valorem purposes. The General Assembly may provide by general law for the ad valorem taxation of motor vehicles including, but not limited to, providing for different rates, methods, assessment dates, and taxpayer liability for such class and for each of its subclasses and need not provide for uniformity of taxation with other classes of property or between or within its subclasses. The General Assembly may also determine what portion of any ad valorem tax on motor vehicles shall be retained by the state. As used in this subparagraph, the term "motor vehicles" means all vehicles which are self-propelled.

(c) Tangible real property, but no more than 2,000 acres of any single property owner, which is devoted to bona fide agricultural purposes

shall be assessed for ad valorem taxation purposes at 75 percent of the value which other tangible real property is assessed. No property shall be entitled to receive the preferential assessment provided for in this subparagraph if the property which would otherwise receive such assessment would result in any person who has a beneficial interest in such property, including any interest in the nature of stock ownership, receiving the benefit of such preferential assessment as to more than 2,000 acres. No property shall be entitled to receive the preferential assessment provided for in this subparagraph unless the conditions set out below :

(1) The property must be owned by:

(A)(i) One or more natural or naturalized citizens;

(ii) An estate of which the devisee or heirs are one or more natural or naturalized citizens; or

(iii) A trust of which the beneficiaries are one or more natural or naturalized citizens; or

(B) A family-owned farm corporation, the controlling interest of which is owned by individuals related to each other within the fourth degree of civil reckoning, or which is owned by an estate of which the devisee or heirs are one or more natural or naturalized citizens, or which is owned by a trust of which the beneficiaries are one or more natural or naturalized citizens, and such corporation derived 80 percent or more of its gross income from bona fide agricultural pursuits within this state within the year immediately preceding the year in which eligibility is sought.

(2) The General Assembly shall provide by law:

(A) For a definition of the term "bona fide agricultural purposes," but such term shall include timber production;

(B) For additional minimum conditions of eligibility which such properties must meet in order to qualify for the preferential assessment provided for herein, including, but not limited to, the requirement that the owner be required to enter into a covenant with the appropriate taxing authorities to maintain the use of the properties in bona fide agricultural purposes for a period of not less than ten years and for appropriate penalties for the breach of any such covenant.

(3) In addition to the specific conditions set forth in this subparagraph (c), the General Assembly may place further restrictions upon, but may not relax, the conditions of eligibility for the preferential assessment provided for herein.

(d)(1) The General Assembly shall be authorized by general law to establish as a separate class of property for ad valorem tax purposes any tangible real property which is listed

in the National Register of Historic Places or in a state historic register authorized by general law. For such purposes, the General Assembly is authorized by general law to establish a program by which certain properties within such class may be assessed for taxes at different rates or valuations in order to encourage the preservation of such historic properties and to assist in the revitalization of historic areas.

(2) The General Assembly shall be authorized by general law to establish as a separate class of property for ad valorem tax purposes any tangible real property on which there have been releases of hazardous waste, constituents, or substances into the environment. For such purposes, the General Assembly is authorized by general law to establish a program by which certain properties within such class may be assessed for taxes at different rates or valuations in order to encourage the cleanup, reuse, and redevelopment of such properties and to assist in the revitalization thereof by encouraging remedial action.

(e) The General Assembly shall provide by general law

(1) For the definition and methods of assessment and taxation, such methods to include a formula based on current use, annual productivity, and real property sales data, of: "bona fide conservation use property" to include bona fide agricultural and timber land not to exceed 2,000 acres of a single owner; and "bona fide residential transitional property," to include private single-family residential owner occupied property located in transitional developing areas not to exceed five acres of any single owner. Such methods of assessment and taxation shall be subject to the following conditions:

(A) A property owner desiring the benefit of such methods of assessment and taxation shall be required to enter into a covenant to continue the property in bona fide conservation use or bona fide residential transitional use; and

(B) A breach of such covenant within ten years shall result in a recapture of the tax savings resulting from such methods of assessment and taxation and may result in other appropriate penalties;

(2) That standing timber shall be assessed only once, and such assessment shall be made following its harvest or sale and on the basis of its fair market value at the time of harvest or sale. Said assessment shall be two and one-half times the assessed percentage of value fixed by law for other real property taxed under the uniformity provisions of subparagraph (a) of this Paragraph but in no event greater than its fair market value; and for a method of temporary supplementation of the property tax digest of any county if the implementation of this method of taxing timber reduces the tax digest by more than 20 percent, such supplemental assessed value to be assigned to the properties otherwise benefitting from such method of taxing timber.

(f) The General Assembly may provide for a different method and time of returns, assessments, payment, and collection of ad valorem taxes

of public utilities, but not on a greater assessed percentage of value or at a higher rate of taxation than other properties, except that property provided for in subparagraph (c), (d), or (e).

Article VII, Section II, Paragraph I. Unauthorized tax exemptions void. Except as authorized in or pursuant to this Constitution, all laws exempting property from ad valorem taxation are void.

Article VII, Section II, Paragraph II. Exemptions from taxation of property. (a)(1) Except as otherwise provided in this Constitution, no property shall be exempted from ad valorem taxation unless the exemption is approved by two-thirds of the members elected to each branch of the General Assembly in a roll-call vote and by a majority of the qualified electors of the state voting in a referendum thereon.

(2) Homestead exemptions from ad valorem taxation levied by local taxing jurisdictions may be granted by local law conditioned upon approval by a majority of the qualified electors residing within the limits of the local taxing jurisdiction voting in a referendum thereon.

(3) Laws subject to the requirement of a referendum as provided in this subparagraph (a) may originate in either the Senate or the House of Representatives.

(4) The requirements of this subparagraph (a) shall not apply with respect to a law which codifies or recodifies an exemption previously authorized in the Constitution of 1976 or an exemption authorized pursuant to this Constitution.

(b) The grant of any exemption from ad valorem taxation shall be subject to the conditions, limitations, and administrative procedures specified by law.

Article VII, Section IV, Paragraph VII. Georgia State Financing and Investment Commission; duties. (a) There shall be a Georgia State Financing and Investment Commission. The commission shall consist of the Governor, the President of the Senate, the Speaker of the House of Representatives, the State Auditor, the Attorney General, the director, Fiscal Division, Department of Administrative Services, or such other officer as may be designated by law, and the Commissioner of Agriculture. The commission shall be responsible for the issuance of all public debt and for the proper application, as provided by law, of the proceeds of such debt to the purposes for which it is incurred; provided, however, the proceeds from guaranteed revenue obligations shall be paid to the issuer thereof and such proceeds and the application thereof shall be the responsibility of such issuer. Debt to be incurred at the same time for more than one purpose may be combined in one issue without stating the purpose separately but the proceeds thereof must be allocated, disbursed and used solely in accordance with the original purpose and without exceeding the principal amount authorized for each purpose set forth in the authorization of the General Assembly and to the extent not so used shall be used to purchase and retire public debt. The commission shall be responsible for the investment of all proceeds to be administered by it and, as provided by law, the income earned on any such investments may be used to pay operating expenses of the commission or placed in a common debt retirement fund and used to purchase and retire any public debt, or any bonds or obligations issued by any public agency, public corporation

or authority which are secured by a contract to which the provisions of the second paragraph of Paragraph I(a) of Section VI, Article IX of the Constitution of 1976 are applicable. The commission shall have such additional responsibilities, powers, and duties as are provide

(b) Notwithstanding subparagraph (a) of this Paragraph, proceeds from general obligation debt issued for making loans to local government entities for water or sewerage facilities or systems or for regional or multijurisdictional solid waste recycling or solid waste facilities or systems as provided in Paragraph I(e) of this section shall be paid or transferred to and administered and invested by the unit of state government or state authority made responsible by law for such activities, and the proceeds and investment earnings thereof shall be applied and disbursed by such unit or authority.

#### Amendments to Constitution

Article X, Section I, Paragraph I. Proposals to amend the Constitution; new Constitution. Amendments to this Constitution or a new Constitution may be proposed by the General Assembly or by a constitutional convention, as provided in this article. Only amendments which are of general and uniform applicability throughout the state shall be proposed, passed, or submitted to the people.

Article X, Section I, Paragraph II. Proposals by the General Assembly; submission to the people. A proposal by the General Assembly to amend this Constitution or to provide for a new Constitution shall originate as a resolution in either the Senate or the House of Representatives and, if approved by two-thirds of the members to which each house is entitled in a roll-call vote entered on their respective journals, shall be submitted to the electors of the entire state at the next general election which is held in the even-numbered years. A summary of such proposal shall be prepared by the Attorney General, the Legislative Counsel, and the Secretary of State and shall be published in the official organ of each county and, if deemed advisable by the "Constitutional Amendments Publication Board," in not more than 20 other newspapers in the state designated by such board which meet the qualifications for being selected as the official organ of a county. Said board shall be composed of the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives. Such summary shall be published once each week for three consecutive weeks immediately preceding the day of the general election at which such proposal is to be submitted. The language to be used in submitting a proposed amendment or a new Constitution shall be in such words as the General Assembly may provide in the resolution or, in the absence thereof, in such language as the Governor may prescribe. A copy of the entire proposed amendment or of a new Constitution shall be filed in the office of the judge of the probate court of each county and shall be available for public inspection; and the summary of the proposal shall so indicate. The General Assembly is hereby authorized to provide by law for additional matters relative to the publication and distribution of proposed amendments and summaries not in conflict with the provisions of this Paragraph. If such proposal is ratified by a majority of the electors qualified to vote for members of the General Assembly voting thereon in such general election, such proposal shall become a part of this Constitution or shall become a new Constitution, as the case may be. Any proposal so approved shall take effect as provided in Paragraph VI of this article. When more than one amendment is submitted at the same time, they shall be so submitted as to enable the electors to vote on each amendment separately, provided that

one or more new articles or related changes in one or more articles may be submitted as a single amendment.

Article X, Section I, Paragraph III. Repeal or amendment of proposal. Any proposal by the General Assembly to amend this Constitution or for a new Constitution may be amended or repealed by the same General Assembly which adopted such proposal by the affirmative vote of two-thirds of the members to which each house is entitled in a roll-call vote entered on their respective journals, if such action is taken at least two months prior to the date of the election at which such proposal is to be submitted to the people.

Article X, Section I, Paragraph IV. Constitutional convention; how called. No convention of the people shall be called by the General Assembly to amend this Constitution or to propose a new Constitution, unless by the concurrence of two-thirds of the members to which each house of the General Assembly is entitled. The representation in said convention shall be based on population as near as practicable. A proposal by the convention to amend this Constitution or for a new Constitution shall be advertised, submitted to, and ratified by the people in the same manner provided for advertisement, submission, and ratification of proposals to amend the Constitution by the General Assembly. The General Assembly is hereby authorized to provide the procedure by which a convention is to be called and under which such convention shall operate and for other matters relative to such constitutional convention.

Article X, Section I, Paragraph V. Veto not permitted. The Governor shall not have the right to veto any proposal by the General Assembly or by a convention to amend this Constitution or to provide a new Constitution.

Article X, Section I, Paragraph VI. Effective date of amendments or of a new Constitution. Unless the amendment or the new Constitution itself or the resolution proposing the amendment or the new Constitution shall provide otherwise, an amendment to this Constitution or a new Constitution shall become effective on the first day of January following its ratification.

### Miscellaneous Provisions

Article XI, Section I, Paragraph IV. Continuation of certain constitutional amendments for a period of four years. (a) The following amendments to the Constitutions of 1877, 1945, and 1976 shall continue in force and effect as part of this Constitution until July 1, 1987, at which time said amendments shall be repealed and shall be deleted as a part of this Constitution unless any such amendment shall be specifically continued in force and effect without amendment either by a local law enacted prior to July 1, 1987, with or without a referendum as provided by law, or by an ordinance or resolution duly adopted prior to July 1, 1987, by the local governing authority in the manner provided for the adoption of home rule amendments to its charter or local act: (1) amendments to the Constitution of 1877 and the Constitution of 1945 which were continued in force and effect as a part of the Constitution of 1976 pursuant to the provisions of Article XIII, Section I, Paragraph II of the Constitution of 1976 which are in force and effect on the effective date of this Constitution; (2) amendments to the Constitution of 1976 which were ratified as general amendments but which by their terms applied principally to a particular political subdivision or subdivisions which are in force and effect on the effective date of this Constitution; (3)

amendments to the Constitution of 1976 which were ratified not as general amendments which are in force and effect on the effective date of this Constitution; and (4) amendments to the Constitution of 1976 of the type provided for in the immediately preceding two subparagraphs (2) and (3) of this Paragraph which were ratified at the same time this Constitution was ratified.

(b) Any amendment which is continued in force and effect after July 1, 1987, pursuant to the provisions of subparagraph (a) of this Paragraph shall be continued in force and effect as a part of this Constitution, except that such amendment may thereafter be repealed but may not be amended. The repeal of any such amendment shall be accomplished by local Act of the General Assembly, the effectiveness of which shall be conditioned on its approval by a majority of the qualified voters voting thereon in each of the particular political subdivisions affected by the amendment.

(c) All laws enacted pursuant to those amendments to the Constitution which are not continued in force and effect pursuant to subparagraph (a) of this Paragraph shall be repealed on July 1, 1987. All laws validly enacted on, before, or after July 1, 1987, and pursuant to the specific authorization of an amendment continued in force and effect pursuant to the provisions of subparagraph (a) of this Paragraph shall be legal, valid, and constitutional under this Constitution. Nothing in this subparagraph (c) shall be construed to revive any law not in force and effect on June 30, 1987.

(d) Notwithstanding the provisions of subparagraphs (a) and (b), the following amendments to the Constitutions of 1877 and 1945 shall be continued in force as a part of this Constitution: amendments to the Constitution of 1877 and the Constitution of 1945 which created or authorized the creation of metropolitan rapid transit authorities, port authorities, and industrial areas and which were continued in force as a part of the Constitution of 1976 pursuant to the provisions of Article XIII, Section I, Paragraph II of the Constitution of 1976 and which are in force on the effective date of this Constitution.



## APPENDIX

Selected Provisions of the Official  
Code of Georgia Annotated

1-3-4. Effective date of legislative Acts. (a) Unless a different effective date is specified in an Act:

(1) Any Act which is approved by the Governor or which becomes law without his approval on or after the first day of January and prior to the first day of July of a calendar year shall become effective on the first day of July; and

(2) Any Act which is approved by the Governor or which becomes law without his approval on or after the first day of July and prior to the first day of January of the immediately succeeding calendar year shall become effective on the first day of January.

(b) Subsection (a) of this Code section shall not apply to local legislation or to resolutions intended to have the effect of law. Such local legislation and resolutions intended to have the effect of law become effective immediately upon approval by the Governor or upon their becoming law without his approval, unless a different effective date is specified in the Act or resolution.

(Ga. L. 1968, p. 1364, § 1; Ga. L. 1969, p. 7, § 1; Ga. L. 1985, p. 984, Sec. 1; Ga. L. 2002, p. 985, Sec. 2.)

1-3-4.1. Effective date for certain Acts requiring increases in expenditures by counties and municipalities. Notwithstanding the provisions of Code Section 1-3-4, no general Act which provides for an increase in compensation to one or more of the county officials listed in Article IX, Section I, Paragraph III or Chapter 10 of Title 15 of the Official Code of Georgia Annotated shall be effective until the first day of January following passage of the Act.

(Code 1981, Sec. 1-3-4.1, enacted by Ga. L. 1985, p. 984, Sec. 2; Ga. L. 1990, p. 1397, Sec. 1; Ga. L. 1996, p. 1197, Sec. 1; Ga. L. 1997, p. 11, Sec. 1; Ga. L. 2002, p. 985, Sec. 2.)

1-3-11. Local referenda on abolishing offices or shortening or lengthening term. No office to which a person has been elected shall be abolished nor the term of the office shortened or lengthened by local or special Act during the term for which such person was elected unless the same shall be approved by the people of the jurisdiction affected in a referendum on the question.

(Code 1981, Sec. 1-3-11, enacted by Ga. L. 1983, p. 685, Sec.

1-5-1. Power of board of directors to change name and style under which an authority operates. The board of directors of any public authority created by a constitutional amendment, which amendment was continued in force as a part of the 1983 Constitution pursuant to the provisions of subparagraph (d) of Article XI, Section I, Paragraph IV, shall be empowered to change the name and style under which the authority operates by adopting an appropriate resolution by a majority vote at any regular or special meeting of the authority. If the board of directors changes the name and style under which an authority operates in accordance

with the provisions of this Code section, such action shall in no way alter or restrict the character or nature of the authority and the authority shall be recognized and declared to be one and the same continuing body corporate and politic with all the powers heretofore or hereafter granted to said authority; and any acts done under the new name and style so adopted shall be for all intents and purposes equally as valid and effective as if done under the original name and style of the authority.

(Code 1981, Sec. 1-5-1, enacted by Ga. L. 1989, p. 47, Sec. 1.)

10-9-20. Geo. L. Smith II Georgia World Congress Center Authority Overview Committee created; composition; officers; duties. There is created as a joint committee of the General Assembly the Geo. L. Smith II Georgia World Congress Center Authority Overview Committee to be composed of three members of the House of Representatives appointed by the Speaker of the House and three members of the Senate appointed by the President of the Senate. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The chairman of the committee shall be appointed by the President of the Senate from the membership of the committee, and the vice chairman of the committee shall be appointed by the Speaker of the House from the membership of the committee. The chairman and vice chairman shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of chairman or vice chairman of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall periodically inquire into and review the operations of the Geo. L. Smith II Georgia World Congress Center Authority, as well as periodically review and evaluate the success with which the authority is accomplishing its statutory duties and functions as provided in this chapter.

(Ga. L. 1978, p. 1929, Sec. 1; Code 1981, Sec. 10-9-30; Code 1981, Sec. 10-9-20, enacted by Ga. L. 1982, p. 1122; Sec. 1.)

10-9-21. Cooperation of other state agencies; staff members and independent consultants. The state auditor, the Attorney General, and all other agencies of state government, upon request by the committee, shall assist the committee in the discharge of its duties set forth in this article. The committee may employ not more than two staff members and may secure the services of independent accountants, engineers, and consultants.

(Ga. L. 1978, p. 1929, Sec. 2; Code 1981, Sec. 10-9-31; Code 1981, Sec. 10-9-21, enacted by Ga. L. 1982, p. 1122, Sec. 1; Ga. L. 1985, p. 149, Sec. 10.)

10-9-22. Authority to cooperate with committee; enforcement actions; annual committee reports. The Geo. L. Smith II Georgia World Congress Center Authority shall cooperate with the committee, its authorized personnel, the Attorney General, the state auditor, and other state agencies in order that the charges of the committee, set forth in this article, may be timely and efficiently discharged. The authority shall submit to the committee such reports and data as the committee shall reasonably require of the authority in order that the committee may adequately perform its functions. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the Geo. L. Smith II Georgia World Congress Center

Authority. The committee shall, on or before the first day of January of each year, and at such other times as it deems necessary, submit to the General Assembly a report of its findings and recommendations based upon the review of the Geo. L. Smith II Georgia World Congress Center Authority, as set forth in this chapter.

(Ga. L. 1978, p. 1929, Sec. 3; Code 1981, Sec. 10-9-32; Code 1981, Sec. 10-9-22, enacted by Ga. L. 1982, p. 1122, Sec. 1.)

10-9-23. Criteria for evaluating authority. In the discharge of its duties, the committee shall evaluate the performance of the Geo. L. Smith II Georgia World Congress Center Authority consistent with the following criteria:

- (1) Prudent, legal, and accountable expenditure of public funds;
- (2) Efficient operation; and
- (3) Performance of its statutory responsibilities.

(Ga. L. 1978, p. 1929, Sec. 4; Code 1981, Sec. 10-9-33; Code 1981, Sec. 10-9-23, enacted by Ga. L. 1982, p. 1122, Sec. 1.)

10-9-24. Expenditure of funds; expenses of committee members. (a) The committee is authorized to expend state funds available to the committee for the discharge of its duties. Said funds may be used for the purposes of compensating staff personnel, paying for services of independent accountants, engineers, and consultants, and paying all other necessary expenses incurred by the committee in performing its

(b) The members of the committee shall receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.

(c) The funds necessary for the purposes of the committee shall come from the funds appropriated to and available to the legislative branch of government.

(Ga. L. 1978, p. 1929, Sec. 5; Code 1981, Sec. 10-9-34; Code 1981, Sec. 10-9-24, enacted by Ga. L. 1982, p. 1122, Sec. 1.)

12-3-20. Creation of committee; members and organization; duty to review operations of Stone Mountain Memorial Association, Jekyll Island--State Park Authority, North Georgia Mountains Authority, and Lake Lanier Islands Development Authority. There is created as a joint committee of the General Assembly the Recreational Authorities Overview Committee to be composed of three members of the House of Representatives appointed by the Speaker of the House of Representatives and three members of the Senate appointed by the President of the Senate. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The chairperson of the committee shall be appointed by the Speaker of the House of Representatives from the membership of the committee, and the vice chairperson of the committee shall be appointed by the President of the Senate from the membership of the committee. The chairperson and vice chairperson shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of chairperson or vice chairperson of the committee shall be filled for the

unexpired term in the same manner as the original appointment. The committee shall periodically inquire into and review the operations of the Stone Mountain Memorial Association, the Jekyll Island--State Park Authority, the North Georgia Mountains Authority, and the Lake Lanier Islands Development Authority and shall periodically review and evaluate the success with which each of the said authorities is accomplishing its statutory duties and functions as provided in this chapter.

(Code 1981, Sec. 12-3-20, enacted by Ga. L. 1995, p. 105, Sec.

12-3-21. Assistance by state officers and agencies. The state auditor, the Attorney General, and all other agencies of state government, upon request by the committee, shall assist the committee in the discharge of its duties as set forth in this part.

(Code 1981, Sec. 12-3-21, enacted by Ga. L. 1995, p. 105, Sec.

12-3-22. Reporting requirements; enforcement. The Stone Mountain Memorial Association, the Jekyll Island--State Park Authority, the North Georgia Mountains Authority, and the Lake Lanier Islands Development Authority shall cooperate with the committee, its agents, the Attorney General, the state auditor, and other state agencies in order that the duties of the committee set forth in this part may be timely and efficiently discharged. Each of the named authorities shall submit to the committee such reports and data as the committee shall reasonably require of the authority in order that the committee may adequately perform its functions. At least annually the commissioner of natural resources and the department's director of state parks and historic sites shall make a report to the committee of any legislative changes or revisions that may be needed to assist the named authorities in accomplishing their statutory duties and functions as provided in this chapter, either individually or as a group. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the authorities named in this part. The committee shall, on or before the first day of January of each year, and at such other times as it deems necessary, submit to the chairpersons of the appropriate standing committees of each house of the General Assembly a report of its findings and recommendations based upon the review of each of the named authorities, as set forth in this part.

(Code 1981, Sec. 12-3-22, enacted by Ga. L. 1995, p. 105, Sec.

12-3-23. Evaluation criteria. In the discharge of its duties, the committee shall evaluate the performance of the Stone Mountain Memorial Association, the Jekyll Island--State Park Authority, the North Georgia Mountains Authority, and the Lake Lanier Islands Development Authority consistent with the following criteria:

- (1) Prudent, legal, and accountable expenditure of public funds;
- (2) Efficient operation; and
- (3) Performance of its statutory responsibilities.

(Code 1981, Sec. 12-3-23, enacted by Ga. L. 1995, p. 105, Sec.

12-3-24. Authorized expenditures; compensation of members; funding. (a) The committee is authorized to expend state funds available

to the committee for the discharge of its duties. Said funds may be used for the purposes of compensating staff personnel; paying for services of independent accountants, engineers, and consultants; and paying all other necessary expenses incurred by the committee in performing its

(b) The members of the committee shall receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.

(c) The funds necessary for the purposes of the committee shall come from the funds appropriated to and available to the legislative branch of government.

(Code 1981, Sec. 12-3-24, enacted by Ga. L. 1995, p. 105, Sec.

12-3-25. Information required in annual reports. The committee shall report in each of its annual reports to the chairperson of the standing committees of each house of the General Assembly whether or not any of the authorities named in this part have undertaken activities having a projected cost of over \$1 million without having first evaluated the feasibility of involving private persons or entities in the development, construction, operation, and management of the authority's existing projects and such proposed activities or has failed to file a copy of such evaluation with the Office of Planning and Budget

(Code 1981, Sec. 12-3-25, enacted by Ga. L. 1995, p. 105, Sec.

12-3-194.2. Adherence to master plan; survey required; amendment of plan; uses to which natural district may be put. (a) The association, in the exercise of its authority to develop, manage, preserve, and protect Stone Mountain, shall be guided by and shall adhere to the master plan. That area shown on the master plan as the 'natural district' shall be surveyed on or before December 1, 1995, by a Georgia registered engineer or surveyor and that survey, as approved by the association members at a regularly scheduled public meeting of the association, shall become a part of the master plan.

(b) Except as otherwise provided in subsection (c) of this Code section, the association may, from time to time, amend the master plan but only in compliance with the following procedure:

(1) Any proposed amendment to the master plan shall be described in written form and, if capable of such description, in visual form and presented publicly at a regular meeting of the association;

(2) A brief summary of the proposed change shall be advertised in the legal organs of DeKalb and Gwinnett counties along with the date on which a meeting of the association shall be held to consider the proposed change. Directions as to the manner of receiving comments from the public, including the time and place of the public hearing on the proposed change required by paragraph (6) of this subsection, shall be provided. Information describing the proposed change and the public hearing also shall be distributed to the media by news release and published in appropriate publications of the associati

(3) The association shall transmit three copies of the summary provided for in paragraph (2) of this subsection to the legislative counsel. The copies shall be transmitted at least 30 days prior to the date of the association's intended action. Within three days after receipt of the copies, if possible, the legislative counsel shall furnish the presiding officers of each house with a copy of the summary, and the presiding officers shall assign the summary to the chairperson of the appropriate standing committee in each house for review and provide a copy to any member of that house who makes a standing written request. In the event a presiding officer is unavailable for the purpose of making the assignment within the time limitations, the legislative counsel shall assign the summary to the chairperson of the appropriate standing committee and provide the copies to members of each house who have made standing written requests. The legislative counsel shall also transmit within the time limitations provided in this paragraph a notice of the assignment to the chairperson of the appropriate standing committee.

(4) In the event a standing committee to which a summary is assigned as provided in paragraph (3) of this subsection files an objection to a proposed amendment to the master plan with the chairperson of the association prior to its adoption and the association adopts the proposed amendment over the objection, the amendment may be considered by the branch of the General Assembly whose committee objected to its adoption by the introduction of a resolution for the purpose of overriding the amendment at any time within the first 30 days of the next regular session of the General Assembly. It shall be the duty of the association if it adopts a proposed amendment to the master plan over such objection to notify the presiding officers of the Senate and the House of Representatives, the chairpersons of the Senate and House committees to which the summary was referred, and the legislative counsel within ten days after the adoption of the amendment to the master plan. In the event the resolution is adopted by such branch of the General Assembly, it shall be immediately transmitted to the other branch of the General Assembly. It shall be the duty of the presiding officer of the other branch of the General Assembly to have such branch, within five days after the receipt of the resolution, to consider the resolution for the purpose of overriding the amendment to the master plan. In the event the resolution is adopted by two-thirds of the votes of each branch of the General Assembly, the amendment shall be void on the day after the adoption of the resolution by the second branch of the General Assembly. In the event the resolution is ratified by less than two-thirds of the votes of either branch, the resolution shall be submitted to the Governor for his or her approval or veto. In the event of the Governor's veto, the amendment to the master plan shall remain in effect. In the event of the Governor's approval, the amendment to the master plan shall be void on the day after the date of his or her approval;

(5) Any proposed changes to the boundaries of that area delineated on the master plan as the natural district shall be surveyed and marked at least seven days prior to the public hearing required by paragraph (6) of this subsection in such a fashion as to be readily discernible on the ground by members of the public;

(6) A public hearing shall be held no earlier than 15 days after the most recent publication of the notice required by paragraph (2) of this subsection in either the legal organ of DeKalb or Gwinnett County; and

(7) No sooner than 30 days after the meeting of the association at which the proposed change was announced pursuant to paragraph (1) of this subsection, the association shall meet and consider in an open and public meeting the proposed change which, if approved, shall become a part of the master plan, subject, however, to the provisions of paragraph (4) of this subsection.

(c)(1) The properties designated as the natural district on the master plan, as it exists on April 14, 1997, shall be held by the association in trust for the benefit of the present and future generations of the people of the State of Georgia. The natural district shall be put to the designated use or uses which are shown within the master plan as it exists on April 14, 1997, which use or uses are found to confer the best and most important benefit to the public. The natural district shall not be put to any uses other than those shown on the master plan except pursuant to the following procedures:

(A) If the association determines that there may exist an imperative and unavoidable necessity for a use of the natural district other than those uses identified in the master plan, the association shall hold a public hearing thereon in either DeKalb County or Gwinnett County;

(B) The association shall consider fully all testimony relative to the proposed use of the natural district and submit a recommendation to the General Assembly; and

(C) The General Assembly may then determine if such use is in the public interest and may by statute or joint resolution approve such other use of the natural district.

(2) Neither the designation of a piece of property as a part of the natural district nor any action taken by the association pursuant to this Code section shall operate to void, preempt, or dilute any protected status which that property had or would have had but for its inclusion within the natural district.

(3) Notwithstanding any other provision of this Code section to the contrary, the association shall:

(A) Consider in all of its decisions regarding changes to, and implementation of, the master plan the effect of such change or implementation upon the rare plant known as the rock aster, *Aster Avitus*, growing within Stone Mountain Park; and

(B) Maintain the services of a qualified naturalist to assure that rare and endangered plants within Stone Mountain Park, whether growing inside or outside of the natural areas, are protected.

(Code 1981, Sec. 12-3-194.2, enacted by Ga. L. 1995, p. 105, Sec. 6; Ga. L. 1996, p. 6, Sec. 12; Ga. L. 1997, p. 839, Sec. 1.)

12-3-243.1. Master plan as to Jekyll Island; creation; contents; notice and hearing on preliminary plan; adherence to plan; amendments.  
(a) The authority shall, on or before July 1, 1996, cause to be created a master plan for the management, preservation, protection, and development of Jekyll Island. The master plan shall delineate, based upon aerial survey, the present and permitted future uses of the land area of Jekyll Island which lies above water at mean high tide and shall designate areas to be managed as environmentally sensitive, historically sensitive, and active use areas. The master plan shall also delineate the boundaries of the area or areas delineated on the master plan as the 65 percent of the land area of Jekyll Island which lies above water at mean high tide and over which the authority has no power to improve, lease, or sell pursuant to subsection (a) of Code Section 12-3-243. If the aerial survey demonstrates that the percentage of undeveloped land on Jekyll Island is presently less than 65 percent, then no further development of undeveloped land shall be permitted in the master plan.

(b) In the creation of the master plan, the authority shall, after preparation of a preliminary plan, give notice of the existence of the preliminary plan in the legal organs of Glynn and Fulton counties and in at least two newspapers of state-wide general circulation not less than 60 days prior to the meeting of the authority at which the preliminary plan is to be considered for final adoption. After giving this notice, the authority shall hold a public hearing at a convenient location on Jekyll Island and receive and consider such oral and written comments on the preliminary plan as may be presented.

(c) The authority, in the exercise of its authority to develop, manage, preserve, and protect Jekyll Island, shall be guided by and shall adhere to the master plan as the same may from time to time be amended as provided in subsection (d) of this Code section.

(d) The authority may, from time to time, amend the master plan but only in compliance with the following procedure:

(1) Any proposed amendment to the master plan shall be described in written form and, if capable of such description, in visual form and presented publicly at a regular meeting of the authority;

(2) After the proposed amendment is presented publicly at a regular meeting of the authority, a brief summary of the proposed amendment shall be advertised in the legal organs of Glynn and Fulton counties, distributed to the media by news release, and published in appropriate publications of the authority. Each such advertisement, news release, and publication shall also contain:

(A) The time and place of the public hearing on the proposed amendment, which public hearing shall be held no earlier than 15 days after the latest publication



of the advertisement in the legal organ of Glynn or Fulton County as required by this paragraph;

(B) Directions as to the manner of receiving comments from the public regarding the proposed amendment; and

(C) The date on which the meeting of the authority at which the proposed amendment will be considered for approval or rejection, which meeting shall not be held any sooner than 30 days after the meeting of the authority at which the proposed amendment was announced pursuant to paragraph (1) of this sub

(3) The authority shall transmit three copies of the information required by paragraph (2) of this subsection to the Office of Legislative Counsel at least 30 days prior to the date of the meeting at which the proposed amendment will be considered. The Office of Legislative Counsel shall immediately furnish the presiding officers of each house with a copy of the information received. The presiding officers, or the Office of Legislative Counsel if the presiding officer is unavailable, shall then assign the information to the chairperson of the appropriate standing committee in each house for review and provide copies to any member of that house who makes, or has made, a standing written request;

(4) In the event a standing committee to which the information has been assigned as provided in paragraph (3) of this subsection files an objection to a proposed amendment to the master plan with the chairperson of the authority prior to the authority's taking action on the proposed amendment and the authority adopts the proposed amendment over the objection, the authority shall notify the presiding officers of the Senate and House of Representatives, the chairpersons of the standing committees to which the information was referred, and the Office of Legislative Counsel within ten days after the adoption of the amendment to the master plan. Thereafter, by introduction of a resolution to override the amendment within the first 30 days of the next regular session of the General Assembly, the amendment may be considered by the branch of the General Assembly whose committee objected to its adoption. In the event the resolution is adopted by the members of the branch of the General Assembly in which it is introduced, it shall be immediately transferred to the other branch of the General Assembly, which branch shall consider the resolution within five days of its being received. In the event the resolution to override the amendment to the master plan is adopted by a vote of two-thirds of the members of each branch, the amendment to the master plan shall be void on the day after the adoption of the resolution by the second branch of the General Assembly. In the event the resolution is ratified by a vote of less than two-thirds of the members of either house, the resolution shall be submitted to the Governor for approval or veto. In the event the resolution fails to pass both houses or is vetoed by the Governor, the amendment to the master plan shall remain in effect. In the event of the Governor's approval of the resolution, the amendment to the master plan shall be void on the day after the date of the Governor's approval of the resolution;

(5) Any proposed changes to the boundaries of the area or areas delineated on the master plan as the 65 percent of the land area of Jekyll Island which lies above water at mean high tide and over which the authority has no power to improve, lease, or sell pursuant to subsection (a) of Code Section 12-3-243 shall be surveyed and marked at least seven days prior to the public hearing required by paragraph (2) of this subsection in such a fashion as to be readily discernible on the ground by members of the public; and

(6) At the meeting of the authority which has been identified in the advertisement required by paragraph (2) of this subsection as the meeting to consider the approval or rejection of the proposed amendment, the authority shall consider in an open and public meeting the proposed amendment to the master plan which, if approved, shall become a part of the master plan, subject, however, to the provisions of paragraph (4) of this subsection.

(Code 1981, Sec. 12-3-243.1, enacted by Ga. L. 1995, p. 105, Sec. 13; Ga. L. 1996, p. 6, Sec. 12, Ga. L. 2001, p. 4, Sec. 12.)

12-3-314.1. Master plan; creation; contents; notice and hearing on preliminary plan; adherence to plan; amendment. (a) The authority shall, on or before July 1, 1996, cause to be created a master plan for the management, preservation, protection, and development of each of its projects as defined in Code Section 12-3-310. The master plans for adjacent or contiguous projects may be combined into one document. The master plan for a project shall delineate, based upon aerial or other appropriate means of survey, the present and presently anticipated future uses of the land area of each project and shall also designate areas to be managed as environmentally sensitive and active use areas.

(b) In the creation of a master plan for a project, the authority shall, after preparation of a preliminary plan, give notice of the existence of the preliminary plan in the legal organ of the county in which the project is located and in at least two newspapers of state-wide general circulation not less than 60 days prior to the meeting of the authority at which the preliminary plan is to be considered for final adoption. After giving this notice, the authority shall hold a public hearing at a convenient location and receive and consider such oral and written comments on the preliminary plan as may be presented.

(c) The authority, in the exercise of its authority to develop, manage, preserve, and protect its projects, shall be guided by and shall adhere to the master plan for a project, as the same may from time to time be amended as provided in subsection (d) of this Code section.

(d) The authority may from time to time amend the master plan for a project, but only in compliance with the following procedure:

(1) Any proposed amendment to a master plan shall be described in written form and, if capable of such description, in visual form and presented publicly at a regular meeting of the authority;

(2) After the proposed amendment is presented publicly at a regular meeting of the authority, a brief summary of the proposed amendment shall be advertised in the legal organ of the

county where the project is located, distributed to the media by news release, and published in appropriate publications of the authority. Each such advertisement, news release, and publication shall also contain:

(A) The time and place of the public hearing on the proposed amendment, which public hearing shall be held no earlier than 15 days after the latest publication of the advertisement in the legal organ as required by this paragraph;

(B) Directions as to the manner of receiving comments from the public regarding the proposed amendment; and

(C) The date on which the meeting of the authority at which the proposed amendment will be considered for approval or rejection, which meeting shall not be held any sooner than 30 days after the meeting of the authority at which the proposed change was announced pursuant to paragraph (1) of this subsection;

(3) The authority shall transmit three copies of the information required by paragraph (2) of this subsection to the Office of Legislative Counsel at least 30 days prior to the date of the meeting at which the proposed amendment will be considered. The Office of Legislative Counsel shall immediately furnish the presiding officers of each house of the General Assembly with a copy of the information received. The presiding officers, or the Office of Legislative Counsel if a presiding officer is unavailable, shall then assign the information to the chairperson of the appropriate standing committee in each house for review and provide copies to any member of that house who makes or has made a written request;

(4) In the event a standing committee to which the information has been assigned as provided in paragraph (3) of this subsection files an objection to a proposed amendment to the master plan with the chairperson of the authority prior to the authority's taking action on the proposed amendment and the authority adopts the proposed amendment over the objection, the authority shall notify the presiding officers of the Senate and House of Representatives, the chairpersons of the standing committees to which the information was referred, and the Office of Legislative Counsel within ten days after the adoption of the amendment to the master plan. Thereafter, by introduction of a resolution to override the amendment within the first 30 days of the next regular session of the General Assembly, the amendment may be considered by the branch of the General Assembly whose committee objected to its adoption. In the event the resolution is adopted by the members of the branch of the General Assembly in which it is introduced, it shall be immediately transferred to the other branch of the General Assembly, which branch shall consider the resolution within five days of its being received. In the event the resolution to override the amendment to the master plan is adopted by a vote of two-thirds of the members of each branch, the amendment to the master plan shall be void on the day after the adoption of the resolution by the second branch of the General Assembly. In the event the resolution is ratified

by a vote of less than two-thirds of the members of either house, the resolution shall be submitted to the Governor for approval or veto. In the event the resolution fails to pass both houses or is vetoed by the Governor, the amendment to the master plan shall remain in effect. In the event of the Governor's approval of the resolution, the amendment to the master plan shall be void on the day after the date of the Governor's approval of the resolution;

(5) Any proposed changes to the boundaries of any area or areas delineated on a master plan as a part of an area designated to be managed as environmentally sensitive shall, at least seven days prior to the public hearing required by paragraph (2) of this subsection, be surveyed and marked in such a fashion as to be readily discernible on the ground by members of the public; and

(6) At the meeting of the authority which has been identified in the advertisement required by paragraph (2) of this subsection as the meeting to consider the approval or rejection of the proposed amendment, the authority shall consider in an open and public meeting the proposed amendment to the master plan, which, if approved, shall become a part of the master plan for that project, subject, however, to the provisions of paragraph (4) of this subsection.

(Code 1981, Sec. 12-3-314.1, enacted by Ga. L. 1995, p. 105, Sec. 23; Ga. L. 1996, p. 6, Sec. 12.)

12-3-500. Creation of Georgia Agricultural Exposition Authority Overview Committee; membership; filling of vacancies; review of Georgia Agricultural Exposition Authority. There is created as a joint committee of the General Assembly the Georgia Agricultural Exposition Authority Overview Committee to be composed of five members of the House of Representatives appointed by the Speaker of the House and five members of the Senate appointed by the President of the Senate. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The chairman of the committee shall be appointed by the Speaker of the House of Representatives from the membership of the committee, and the vice chairman of the committee shall be appointed by the President of the Senate from the membership of the committee. The chairman and vice chairman shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of chairman or vice chairman of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall periodically inquire into and review the operations of the Georgia Agricultural Exposition Authority, as well as periodically review and evaluate the success with which the authority is accomplishing its statutory duties and functions as provided in this article.

(Code 1981, Sec. 12-3-500, enacted by Ga. L. 1985, p. 1110, Se

12-3-501. Assistance to Georgia Agricultural Exposition Authority Overview Committee in discharging duties; employees; securing professional services. The state auditor, the Attorney General, and all other agencies of state government, upon request by the committee, shall assist the committee in the discharge of its duties as set forth in this part. The committee may employ not more than two staff members and may secure the services of independent accountants, engineers, and consultant

(Code 1981, Sec. 12-3-501, enacted by Ga. L. 1985, p. 1110, S

12-3-502. Cooperation of Georgia Agricultural Exposition Authority; submission of reports, etc. The Georgia Agricultural Exposition Authority shall cooperate with the committee, its authorized personnel, the Attorney General, the state auditor, and other state agencies in order that the charges of the committee, set forth in this part, may be timely and efficiently discharged. The authority shall submit to the committee such reports and data as the committee shall reasonably require of the authority in order that the committee may adequately perform its functions. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the Georgia Agricultural Exposition Authority. The committee shall, on or before the first day of January of each year, and at such other times as it deems necessary, submit to the General Assembly a report of its findings and recommendations based upon the review of the Georgia Agricultural Exposition Authority, as set forth in this part.

(Code 1981, Sec. 12-3-502, enacted by Ga. L. 1985, p. 1110, Sec. 1; Ga. L. 1990, p. 8, Sec. 12.)

12-3-503. Committee evaluation of performance of authority. In the discharge of its duties, the committee shall evaluate the performance of the Georgia Agricultural Exposition Authority consistent with the following criteria:

- (1) Prudent, legal, and accountable expenditure of public funds;
- (2) Efficient operation; and
- (3) Performance of its statutory responsibilities.

(Code 1981, Sec. 12-3-503, enacted by Ga. L. 1985, p. 1110, S

12-3-504. Expenditure of state funds by committee; compensation, expenses, etc., for members. (a) The committee is authorized to expend state funds available to the committee for the discharge of its duties. Said funds may be used for the purposes of compensating staff personnel, paying for services of independent accountants, engineers, and consultants, and paying all other necessary expenses incurred by the committee in performing its duties.

(b) The members of the committee shall receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.

(c) The funds necessary for the purposes of the committee shall come from the funds appropriated to and available to the legislative branch of government.

(Code 1981, Sec. 12-3-504, enacted by Ga. L. 1985, p. 1110, S

12-3-550. Establishment of Georgia Music Hall of Fame Authority Overview Committee; membership. There is created as a joint committee of the General Assembly the Georgia Music Hall of Fame Authority Overview Committee to be composed of five members of the House of Representatives appointed by the Speaker of the House and five members of the Senate

appointed by the President of the Senate. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The chairman of the committee shall be appointed by the President of the Senate from the membership of the committee, and the vice chairman of the committee shall be appointed by the Speaker of the House of Representatives from the membership of the committee. The chairman and vice chairman shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of chairman or vice chairman of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall periodically inquire into and review the operations of the Georgia Music Hall of Fame Authority, as well as periodically review and evaluate the success with which the authority is accomplishing its statutory duties and functions as provided in this part.

(Code 1981, Sec. 12-3-550, enacted by Ga. L. 1990, p. 1079, S

12-3-551. Assistance to committee by other state agencies. The state auditor, the Attorney General, and all other agencies of state government, upon request by the committee, shall assist the committee in the discharge of its duties as set forth in this part. The committee may employ not more than two staff members and may secure the services of independent accountants, engineers, and consultants.

(Code 1981, Sec. 12-3-551, enacted by Ga. L. 1990, p. 1079, S

12-3-552. Georgia Music Hall of Fame Authority to cooperate with state agencies. The Georgia Music Hall of Fame Authority shall cooperate with the committee, its authorized personnel, the Attorney General, the state auditor, and other state agencies in order that the charges of the committee, set forth in this part, may be timely and efficiently discharged. The authority shall submit to the committee such reports and data as the committee shall reasonably require of the authority in order that the committee may adequately perform its functions. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the Georgia Music Hall of Fame Authority. The committee shall, on or before the first day of January of each year, and at such other times as it deems necessary, submit to the General Assembly a report of its findings and recommendations based upon the review of the Georgia Music Hall of Fame Authority, as set forth in this part.

(Code 1981, Sec. 12-3-552, enacted by Ga. L. 1990, p. 1079, S

12-3-553. Standards for evaluation of performance of authority. In the discharge of its duties, the committee shall evaluate the performance of the Georgia Music Hall of Fame Authority consistent with the following criteria:

(1) Prudent, legal, and accountable expenditure of public funds;

(2) Efficient operation; and

(3) Performance of its statutory responsibilities.

(Code 1981, Sec. 12-3-553, enacted by Ga. L. 1990, p. 1079, S

12-3-554. Expenditure of state funds; per diem and expenses; appropriations. (a) The committee is authorized to expend state funds available to the committee for the discharge of its duties. Said funds may be used for the purposes of compensating staff personnel, paying for services of independent accountants, engineers, and consultants, and paying all other necessary expenses incurred by the committee in performing its duties.

(b) The members of the committee shall receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.

(c) The funds necessary for the purposes of the committee shall come from the funds appropriated to and available to the legislative branch of government.

(Code 1981, Sec. 12-3-554, enacted by Ga. L. 1990, p. 1079, S.

12-5-543. Establishment of drought abatement program; rules and regulations. (a) The board is authorized and directed to establish by rule and regulation for a drought abatement program for the Flint River basin in accordance with this article.

(b) In the performance of its duties, the board shall have and may exercise the power to adopt, promulgate, modify, amend, and repeal rules and regulations to implement and enforce the provisions of this article as the board may deem necessary. The rules and regulations may include, but shall not be limited to, the following:

(1) Prescribing eligibility requirements for permittees of irrigation systems located in the affected areas to receive payments from the drought protection funds in accordance with Code Section 12-5-546. Such eligibility requirements shall include, without limitation, the following requirement:

(A) The permittee must have applied to the division for a surface-water or ground-water withdrawal permit prior to December 1, 1999, and must have received a surface-water or ground-water withdrawal permit from the division prior to December 1, 2000; provided, however, that, if the director fails to act on a permit application by December 1, 2000, the time for receipt of a permit shall be extended until such time as the director makes a decision on the application. If the director's decision is to deny the permit and that decision is reversed on appeal, the date of receipt of a permit shall be deemed to be the date of the director's decision; and

(B) The permittee must have demonstrated, in a manner to be defined by the director, actual previous irrigation by the permitted irrigation system on the same acres of land which the permittee agrees not to irrigate in a given year;

(2) Establishing documentation requirements for nonuse of an irrigation system pursuant to an agreement entered into pursuant to Code Section 12-5-546 or an order issued by the director in accordance with Code Section 12-5-547;

(3) Establishing rules and procedures to be followed in connection with the irrigation reduction auction conducted pursuant to subsection (b) of Code Section 12-5-546;

(4) Establishing rules and procedures to be followed in connection with payments to permittees from the drought protection funds pursuant to Code Section 12-5-547; or

(5) Establishing rules and procedures for the conduct of meetings and hearings.

(c) Any rules and regulations promulgated by the board shall be submitted by the board to the Speaker of the House of Representatives and the President of the Senate for distribution to the members of the General Assembly at the next regular session and shall become effective upon the expiration of that session unless during that session a resolution disapproving such regulations shall have been adopted by both

(Code 1981, Sec. 12-5-543, enacted by Ga. L. 2000, p. 458, Sec.

12-7-7.1. Erosion and sediment control plan prepared; completion; implementation. (a) As used in this Code section, the term "contractor" means the individual, firm, corporation, or combination thereof or governmental organization contracting with the Department of Transportation or State Road and Tollway Authority for the performance of prescribed work.

(b)(1) In addition to the requirements of Code Section 12-7-6, the Department of Transportation or the State Road and Tollway Authority after July 1, 2000, shall not contract for land-disturbing activity on any construction or maintenance project that will disturb five or more contiguous acres of land until an erosion and sediment control plan for such project has been prepared and accepted pursuant to this Code section.

(2) Through its own forces or by means of the acquisition of professional service pursuant to the provisions of Chapter 22 of Title 50, the Department of Transportation or the State Road and Tollway Authority shall be responsible for the preparation of an erosion and sediment control plan for any construction or maintenance project as required by paragraph (1) of this subsection. Any consultant providing such professional service shall be prequalified by the Department of Transportation as a responsible bidder for the design of erosion and sediment control plans. The division shall assist the Department of Transportation in developing the prequalification approval process for purposes of this subsection.

(c) Upon completion of a proposed plan, the same shall be submitted to the division for review and comment.

(d)(1) All bidders for any construction or maintenance project subject to this Code section shall review and submit with their bid proposal a cost estimate as a separate bid for the implementation of the plan, it being understood that the contractor may utilize either its own personnel and resources, qualified subcontractors, or both for implementation of the plan. All contractors and subcontractors for such project shall be prequalified by the Department of Transportation as a responsible



bidder for the installation of erosion and sediment control devices in accordance with a plan. The division shall assist the Department of Transportation in developing the prequalification approval process for purposes of this subsection.

(2) The contractor for a construction or maintenance project subject to this Code section shall be responsible for implementing the plan on the awarded project. Payment to any contractor under any contract for implementing any part or all of any plan shall not be on a lump sum basis; rather, such payment shall be based upon unit prices for specific quantities of work performed pursuant to the approved erosion and sediment control plan plus any additional quantities of completed work necessitated by project conditions affecting erosion and sediment control, including without limitation soil types and weather conditions. Charges for all maintenance and cleaning of erosion and sediment control devices shall likewise be paid on a unit price basis.

(e)(1) Through the services of independent consultants, contractors, or subcontractors, or by its own forces, the Department of Transportation shall monitor the water quality and inspect the installation and maintenance of the best management practices in accordance with the plan. All such consultants, contractors, or subcontractors shall be prequalified by the Department of Transportation as a responsible bidder for the inspection of such best management practices and shall have the necessary expertise to determine that such practices are being installed and maintained in accordance with the plan. The division shall assist the Department of Transportation in developing the prequalification approval process for purposes of this subsection.

(2) Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the director or to any other allegation of noncompliance with paragraph (2) of subsection (a) of Code Section 12-7-6.

(3) If deficiencies in the plan or installation or maintenance of best management practices are discovered during the inspection, the Department of Transportation or the State Road and Tollway Authority shall determine the appropriate corrective action. Further, the Department of Transportation or State Road and Tollway Authority may require the consultant to amend the plan or the contractor to change its procedures by change order or supplemental agreement in order to institute such changes as may be necessary to correct any errors or deficiencies in the plan, the implementation of the plan, or the maintenance of the best management practices.

(4) The division, the Department of Transportation, or the State Road and Tollway Authority shall control or coordinate the work of its employees inspecting any project so as to prevent any delay of, interference with, or hindrance to any contractor performing land-disturbing activity on any project subject to the provisions of this Code section.

(f)(1) There shall be an Erosion and Sediment Control Overview Council which shall provide guidance on the best management practices for implementing any erosion and sediment control plan for purposes of this Code section. The council shall be composed of nine members, including one member who shall be appointed by the Speaker of the House of Representatives and serve at the pleasure thereof; one member who shall be appointed by the Lieutenant Governor and serve at the pleasure thereof; and seven members who shall be appointed by the Governor and serve at the pleasure thereof, including one employee each from the Department of Transportation, the Environmental Protection Division of the Department of Natural Resources, and the Georgia Regional Transportation Authority, a professional engineer licensed to practice in this state from a private engineering consulting firm practicing environmental engineering, two representatives of the highway contracting industry certified by the Department of Transportation, and a chairperson. The council shall meet at the call of the chairperson. Each councilmember shall receive a daily allowance in the amount specified in subsection (b) of Code Section 45-7-21; provided, however, that any full-time state employee serving on the council shall draw no compensation but shall receive necessary expenses. The commissioner is authorized to pay such compensation and expenses from department funds.

(2) The council may develop recommendations governing the preparation of plans and the installation and maintenance of best management practices. If a dispute concerning the requirements of this Code section should arise, the Erosion and Sediment Control Overview Council shall mediate the di-

(g) Nothing in this Code section shall be construed to affect the division's authority under Article 2 of Chapter 5 of this title, the "Georgia Water Quality Control Act."

(Code 1981, Sec. 12-7-7.1, enacted by Ga. L. 2000, p. 1673, Sec. 1, Ga. L. 2001, p. 1251, Sec. 2-1, Ga. L. 2001, Ex. Sess., p. 317.)

15-5-21. Promulgation of rules relating to transcripts and court reporters' fees. (a) The Judicial Council shall promulgate rules and regulations which shall:

(1) Provide for and set the fees to be charged by all official court reporters in this state for attending court, taking stenographic notes, and recording the evidence;

(2) Provide for and set the fees to be charged by all official court reporters in this state for furnishing transcripts of the evidence and for other proceedings furnished by the official court reporters in all civil and criminal cases in this state;

(3) Provide for a minimum per diem fee for official court reporters, which fee may be supplemented by the various counties within the circuits to which the court reporters are assigned; and

(4) Provide for the form and style of the transcripts, which shall be uniform throughout the state.

(b) The Judicial Council shall amend its rules and regulations providing for and setting the fees to be charged by all official court reporters whenever the council shall deem it necessary and proper.

(c) This Code section shall not apply to those court reporters taking and furnishing transcripts of depositions or taking and furnishing transcripts of nonjudicial functions, nor to any independent contracts of any reporters.

(d) A rule or regulation promulgated by the Judicial Council pursuant to this Code section shall not become effective unless that council provides to the chairperson of the Judiciary Committee of the House of Representatives, the chairperson of the Special Judiciary Committee of the House of Representatives, the chairperson of the Judiciary Committee of the Senate, and the chairperson of the Special Judiciary Committee of the Senate, at least 30 days prior to the date that council intends to adopt such rule or regulation, written notice which includes an exact copy of the proposed rule or regulation and the intended date of its adoption. After July 1, 1986, no rule or regulation adopted by the Judicial Council pursuant to this Code section shall be valid unless adopted in conformity with this subsection. A proceeding to contest any rule or regulation on the grounds of noncompliance with this subsection must be commenced within two years from the effective date of the rule or regulation.

(Ga. L. 1975, p. 852, Secs. 1, 2; Ga. L. 1986, p. 956, Sec. 1; Ga. L. 1988, p. 13, Sec. 15.)

16-10-4. Influencing of legislative action by state and local government officers or employees. (a) Any officer or employee of the state or any agency thereof who asks for or receives anything of value to which he is not entitled in return for an agreement to procure or attempt to procure the passage or defeat the passage of any legislation by the General Assembly, or procure or attempt to procure the approval or disapproval of the same by the Governor shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

(b) Any officer or employee of a political subdivision who asks for or receives anything of value to which he is not entitled in return for an agreement to procure or attempt to procure the passage or defeat the passage of any legislation by the legislative body of the political subdivision of which he is an officer or employee shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years.

(Ga. L. 1959, p. 34, Sec. 1; Ga. L. 1964, p. 261, Sec. 1; Code 1933, Sec. 26-2304, enacted by Ga. L. 1968, p. 1249, Sec. 1.)

16-10-9. Acceptance of office or employment in more than one branch of government. (a) It shall be unlawful for:

(1) Members of the General Assembly to accept or hold office or employment in the executive branch of the state government or any agency thereof or in the judicial branch of the state government;

(2) Judges of courts of record or their clerks and assistants to accept or hold office or employment in the

executive branch of the state government or any agency thereof or in the legislative branch of the state government; or

(3) Officers or employees of the executive branch of the state government to accept or hold office or employment in the legislative or judicial branches of the state government

(b) A person who knowingly disburses or receives any compensation or money in violation of this Code section is guilty of a misc

(c) Nothing in this Code section shall be construed to apply to any officer or employee of the executive branch who has taken a leave of absence without pay from his post for temporary service as an employee of the legislative branch while it is in session and during the authorized stay-over period.

(Ga. L. 1959, p. 34, Sec. 7; Ga. L. 1961, p. 42, Sec. 1; Code 1933, Sec. 26-2309, enacted by Ga. L. 1968, p. 1249, Sec. 1.)

16-11-34.1. Preventing or disrupting General Assembly sessions or other meetings of members; unlawful activities within the state capitol or certain Capitol Square buildings. (a) It shall be unlawful for any person recklessly or knowingly to commit any act which may reasonably be expected to prevent or disrupt a session or meeting of the Senate or House of Representatives, a joint session thereof, or any meeting of any standing or interim committee, commission, or caucus of members thereof.

(b) It shall be unlawful for any person, other than those persons who are exempt from the provisions of Code Sections 16-11-126 through 16-11-128, to enter, occupy, or remain within the state capitol building or any building housing committee offices, committee rooms, or offices of members, officials, or employees of the General Assembly or either house thereof while in the possession of any firearm, knife designed for the purpose of offense and defense, explosive or incendiary device or compound, bludgeon, metal knuckles, or any other dangerous or deadly weapon, instrument, or device.

(c) It shall be unlawful for any person purposely or recklessly and without authority of law to obstruct any street, sidewalk, hallway, office, or other passageway in that area designated as Capitol Square by Code Section 50-2-28 in such a manner as to render it impassable without unreasonable inconvenience or hazard or to fail or refuse to remove such obstruction after receiving a reasonable official request or the order of a peace officer to do so.

(d) It shall be unlawful for any person willfully and knowingly to enter or to remain upon the floor of the Senate or the floor of the House of Representatives or within any cloakroom, lobby, or anteroom adjacent to such floor unless such person is authorized, pursuant to the rules of the Senate or House of Representatives or pursuant to authorization given by the Senate or House of Representatives, to enter or remain upon the floor or within such area.

(e) It shall be unlawful for any person willfully and knowingly to enter or to remain in the gallery of the Senate or the gallery of the House of Representatives in violation of rules governing admission to such gallery adopted by the Senate or the House of Representatives or pursuant to authorization given by such body.

(f) It shall be unlawful for any person willfully and knowingly to enter or to remain in any room, chamber, office, or hallway within the state capitol building or any building housing committee offices, committee rooms, or offices of members, officials, or employees of the General Assembly or either house thereof with intent to disrupt the orderly conduct of official business or to utter loud, threatening, or abusive language or engage in any disorderly or disruptive conduct in such buildings or areas.

(g) It shall be unlawful for any person to parade, demonstrate, or picket within the state capitol building or any building housing committee offices, committee rooms, or offices of members, officials, or employees of the General Assembly or either house thereof with intent to disrupt the orderly conduct of official business or to utter loud, threatening, or abusive language or engage in any disorderly or disruptive conduct in such buildings or areas.

(h)(1) Any person violating this Code section for the first time shall be guilty of a misdemeanor.

(2) Any person violating this Code section for the second time shall be guilty of a misdemeanor of a high and aggravated nature.

(3) Any person violating this Code section for the third or any subsequent time shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than three years.

(i) The enactment of this Code section shall not repeal any other provision of law proscribing or regulating any conduct otherwise prohibited by this Code section.

(Code 1981, Sec. 16-11-34.1, enacted by Ga. L. 1987, p. 614, §

20-2-692. General Assembly pages granted excused absences. Children who serve as pages of the General Assembly during the school year, either at regular or special sessions, shall be granted excused absences for the day or days missed from school while serving as pages, and such children shall be credited as present by the school in which enrolled.

(Ga. L. 1961, p. 580; Ga. L. 1963, p. 254, Sec. 1.)

20-15-15. Georgia Medical Center Overview Committee. (a) There is created as a joint committee of the General Assembly the Georgia Medical Center Authority Overview Committee to be composed of three members of the House of Representatives appointed by the Speaker of the House and three members of the Senate appointed by the President of the Senate. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The chairperson of the committee shall be appointed by the President of the Senate from the membership of the committee, and the vice chairperson of the committee shall be appointed by the Speaker of the House from the membership of the committee. The chairperson and vice chairperson shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of chairperson or vice chairperson of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall periodically inquire into and review the operations of the

Georgia Medical Center Authority, as well as periodically review and evaluate the success with which the authority is accomplishing its statutory duties and functions as provided in this chapter.

(b) The state auditor, the Attorney General, and all other agencies of state government, upon request by the committee, shall assist the committee in the discharge of its duties set forth in this chapter. The committee may employ not more than two staff members and may secure the services of independent accountants, engineers, and consu

(c) The Georgia Medical Center Authority shall cooperate with the committee, its authorized personnel, the Attorney General, the state auditor, and other state agencies in order that the charges of the committee, set forth in this chapter, may be timely and efficiently discharged. The authority shall submit to the committee such reports and data as the committee shall reasonably require of the authority in order that the committee may adequately perform its functions. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the Georgia Medical Center Authority. The committee shall, on or before the first day of January of each year, and at such other times as it deems necessary, submit to the General Assembly a report of its findings and recommendations based upon the review of the Georgia Medical Center Authority, as set forth in this chapter.

(d) In the discharge of its duties, the committee shall evaluate the performance of the Georgia Medical Center Authority consistent with the following criteria:

- (1) Prudent, legal, and accountable expenditure of public funds;
- (2) Efficient operation; and
- (3) Performance of its statutory responsibilit

(e) The committee is authorized to expend state funds available to the committee for the discharge of its duties. Said funds may be used for the purposes of compensating staff personnel, paying for services of independent accountants, engineers, and consultants, and paying all other necessary expenses incurred by the committee in performing its

(f) The members of the committee shall receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.

(g) The funds necessary for the purposes of the committee shall come from the funds appropriated to and available to the legislative branch of government.

(Code 1981, Sec. 20-15-15, enacted by Ga. L. 2000, p. 399, Sec

21-2-30. This Code section provides that the State Election Board shall include an elector to be elected by a majority vote of the House of Representatives of the General Assembly at its regular session held in each odd-numbered year. A member elected by a House of the General Assembly shall take office on the day following the adjournment of the regular session in which elected and shall serve for a term of two years

and until his or her successor is elected and qualified, unless sooner removed. An elected member of the board may be removed at any time by a majority vote of the House which elected him or her. In the event a vacancy should occur in the office of such a member of the board at a time when the General Assembly is not in session, then the President of the Senate shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the Senate or appointed by the President of the Senate; and the Speaker of the House of Representatives shall thereupon appoint an elector to fill the vacancy if the prior incumbent of such office was elected by the House of Representatives or appointed by the Speaker of the House of Representatives. A member appointed to fill a vacancy may be removed at any time by a majority vote of the House whose presiding officer appointed him or her.

(Ga. L. 1959, p. 59, Sec. 1; Code 1933, Sec. 34-201, enacted by Ga. L. 1964, Ex. Sess., p. 26, Sec. 1; Ga. L. 1968, p. 862, Sec. 1; Ga. L. 1969, p. 329, Sec. 2; Ga. L. 1998, p. 295, Sec. 1; Ga. L. 1999, p. 21, Sec. 1.)

21-2-136. Restriction on number of offices for which an individual may be nominated or be a candidate at any one election. No person shall be nominated, nor shall any person be a candidate in a primary, election, or special election, for more than one of the following public offices to be filled at any one election or special election: Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, United States senator or representative in Congress, Public Service Commissioner, Justice of the Supreme Court, Judge of the Court of Appeals, members of the Senate and House of Representatives of the General Assembly, judge of superior court, district attorney, any elected county officer, and any elected municipal officer.

(Code 1933, Sec. 34-1014, enacted by Ga. L. 1970, p. 347, Sec. 13; Ga. L. 1984, p. 1, Sec. 1; Ga. L. 1986, p. 855, Sec. 4; Ga. L. 1998, p. 295, Sec. 1; Ga. L. 1999, p. 52, Sec. 8, Ga. L. 2001, p. 240, Sec. 8.)

21-2-544. Special election for General Assembly vacancy. Whenever a vacancy shall occur or exist in either house of the General Assembly during a session of the General Assembly or whenever such vacancy shall occur or exist at a time when the members of the General Assembly shall be required to meet, at any time previous to the next November election, the Governor shall issue, within ten days after the occurrence of such vacancy, or after the calling of an extraordinary session of the General Assembly during the existence of such vacancy, a writ of election to the Secretary of State for a special election to fill such vacancy, which election shall be held on the date named in the writ, which shall not be less than 30 nor more than 60 days after its issuance. Upon receiving the writ of election from the Governor, the Secretary of State shall then transmit the writ of election to the superintendent of each county involved and shall publish the call of the election. In all other cases any such special election to fill any such vacancy shall be held if the Governor issues his or her writ of election therefor. In such cases the writ of election shall be issued to the Secretary of State who shall transmit the writ of election to the superintendent of each county involved and shall publish the call of the election.

(Code 1933, Sec. 34-805, enacted by Ga. L. 1964, Ex. Sess., p. 26, Sec. 1; Ga. L. 1965, p. 3, Sec. 1; Ga. L. 1970, p. 88, Sec. 1; Ga. L. 1984, p. 638, Sec. 2; Ga. L. 1998, p. 295, Sec. 1; Ga. L. 2001, p. 230, Sec. 16.)

28-1-1. Membership and apportionment of General Assembly. (a) There shall be 180 members of the House of Representatives, and such membership shall be apportioned among the representative districts provided for in Chapter 2 of this title

(b) There shall be 56 members of the Senate, and such membership shall be apportioned among the senatorial districts provided for in Chapter 2 of this title.

(Ga. L. 1890-91, p. 192, Sec. 1; Civil Code 1895, Sec. 291; Ga. L. 1901, p. 51, Sec. 1; Ga. L. 1906, p. 80, Sec. 1; Civil Code 1910, Secs. 333, 334; Ga. L. 1918, p. 84, Secs. 1-4; Ga. L. 1921, p. 229, Sec. 1; Ga. L. 1931, p. 48, Sec. 1; Code 1933, Secs. 47-101, 47-102; Ga. L. 1946, p. 42, Sec. 1; Ga. L. 1962, Ex. Sess., p. 7, Sec. 9; Ga. L. 1965, p. 127, Sec. 1; Ga. L. 1967, p. 159, Sec. 1; Ga. L. 1967, p. 187, Sec. 1; Ga. L. 1968, p. 209, Sec. 1; Ga. L. 1971, Ex. Sess., p. 22, Sec. 1; Ga. L. 1971, Ex. Sess., p. 69, Sec. 1; Ga. L. 1974, p. 16, Sec. 1.)

28-1-2. Time and place of meetings. The meetings of the General Assembly shall be held as prescribed in Article III, Section IV, Paragraph I of the Constitution of Georgia. The Senate shall convene daily at 10:00 A.M. unless otherwise ordered by the Senate. The House shall convene daily at 10:00 A.M. unless otherwise ordered by the House. The General Assembly shall meet at the state capitol.

(Ga. L. 1855-56, p. 258, Sec. 1; Code 1863, Sec. 172; Ga. L. 1863-64, p. 30, Sec. 1; Code 1868, Sec. 167; Ga. L. 1870, p. 419, Sec. 1; Code 1873, Sec. 178; Code 1882, Sec. 178; Ga. L. 1890-91, p. 55, Sec. 1; Civil Code 1895, Sec. 289; Ga. L. 1902, p. 66, Secs. 1, 2; Civil Code 1910, Sec. 331; Ga. L. 1924, p. 31, Secs. 1, 2; Ga. L. 1931, p. 1053; Code 1933, Sec. 47-103; Ga. L. 1983, p. 3, Sec. 54; Ga. L. 1984, p. 602, Sec. 1.)

28-1-3. Initial organization. The Senate and the House of Representatives shall be organized by the Secretary of the Senate or the Clerk of the House of Representatives who shall be ex officio presiding officer until a presiding officer is elected. No question except one relating to the organization shall be entertained by such officer; and, in deciding such question, he shall be governed, as far as practicable, by the standing rules of the house over which he presides. In the absence of such officer, his assistant may officiate. In the absence of both, the body may appoint a chairman whose powers and duties shall be the same as those of the Secretary or Clerk.

(Orig. Code 1863, Sec. 174; Code 1868, Sec. 169; Code 1873, Sec. 180; Code 1882, Sec. 180; Civil Code 1895, Sec. 292; Civil Code 1910, Sec. 335; Code 1933, Sec. 47-104.)

28-1-4. Form and administration of oath of office to members. (a) In addition to any other oath prescribed by law, each Senator and Representative, before taking the seat to which elected, shall take the following oath:

"I do hereby solemnly swear or affirm that I will support the Constitution of this state and of the United States and, on all questions and measures which may come before me, I will so



conduct myself, as will, in my judgment, be most conducive to the interests and prosperity of this state."

(b) The oath of office prescribed by subsection (a) of this Code section may be administered to the members of the General Assembly by any Justice of the Supreme Court, Judge of the Court of Appeals, judge of the superior courts, or judge of the state courts. Such Justice or judge shall be procured by the person organizing each branch.

(Orig. Code 1863, Sec. 175; Code 1868, Sec. 170; Code 1873, Sec. 181; Code 1882, Sec. 181; Civil Code 1895, Sec. 293; Civil Code 1910, Sec. 336; Code 1933, Sec. 47-105; Ga. L. 1945, p. 141, Sec. 1; Ga. L. 1983, p. 936, Sec. 2; Ga. L. 1991, p. 746, Sec. 1.)

28-1-5. Commission of members. It shall be the duty of the Secretary of State to prepare and furnish to each member of the General Assembly, after the member has taken his oath of office, a commission under the signature of the Secretary of State, containing the great seal of the state, showing that the member is a duly elected member of the General Assembly of Georgia, and showing any prior serving in either house of the General Assembly.

(Ga. L. 1951, p. 480, Sec. 1.)

28-1-6. Powers and duties of President Pro Tempore of the Senate and Speaker Pro Tempore of the House of Representatives. While presiding or in the absence of the President of the Senate, the President Pro Tempore shall have the same powers and duties as the President of the Senate. While presiding or in the absence of the Speaker of the House of Representatives, the Speaker Pro Tempore shall have the same powers and duties as the Speaker of the House of Representatives.

(Orig. Code 1863, Sec. 176; Code 1868, Sec. 171; Code 1873, Sec. 182; Code 1882, Sec. 182; Civil Code 1895, Sec. 294; Civil Code 1910, Sec. 337; Code 1933, Sec. 47-106; Ga. L. 1983, p. 689, Sec. 2.)

28-1-6.1. Method for determining permanent disability of Speaker of the House of Representatives. Upon a petition of 20 members of the majority caucus of the House of Representatives being filed with the Clerk of the House that the Speaker of the House is unable to perform the duties of that office because of physical or mental disability, the Clerk shall make a copy of the petition for the records of his office and shall transmit, within three days, the original to the chairman of the majority caucus along with his certificate as to the date and time on which the petition was filed with him. The chairman shall call a meeting of the caucus to be held within five days from the date he receives the petition and certificate from the Clerk. Such meeting shall be for the purpose of holding a hearing on the petition and the caucus shall adopt rules for the conduct of the hearing. After the hearing the members of the caucus shall vote and if a majority of the membership of the caucus votes that there is a disability and that such disability is permanent the office shall be declared vacant and the Speaker Pro Tempore shall become Speaker and serve until a Speaker is elected.

(Code 1981, Sec. 28-1-6.1, enacted by Ga. L. 1983, p. 681, Sec.

28-1-7. Failure of officer to organize emergency session. If any officer of either branch of the General Assembly shall fail or refuse to perform any of his duties in completing the organization of an emergency

session, as provided for in Article V, Section II, Paragraph VII(b) of the Constitution of Georgia, his office may, upon the majority vote of the membership of the branch, be declared vacant, as often as may be necessary, and his successor elected as provided by the rules of the General Assembly.

(Ga. L. 1937-38, Ex. Sess., p. 190, Sec. 4; Ga. L. 1983, p. 3, Sec. 54.)

28-1-8. Salary and allowances of members and officers. (a) Each member of the General Assembly shall receive an annual salary, as provided for in Code Section 45-7-4, to be paid in equal monthly installments. Upon complying with the requirements of paragraph (22) of subsection (a) of Code Section 45-7-4, each member shall also be reimbursed for those actual expenses incurred in the performance of duties for which reimbursement is provided in paragraph (22) of subsection (a) of Code Section 45-7-4. The Speaker of the House of Representatives, the Speaker Pro Tempore of the House of Representatives, and the President Pro Tempore of the Senate shall receive an additional amount per annum as provided for in Code Section 45-7-4. The majority leader, the minority leader, the administration floor leader, and the assistant administration floor leaders of the House of Representatives and the majority leader, the minority leader, the administration floor leader, and the assistant administration floor leaders of the Senate shall each receive such additional amount per annum as shall be provided by resolution of the respective houses; but such amount for each shall not be greater than the additional amount provided by law for the Speaker Pro Tempore of the House of Representatives. All of such additional amounts shall also be paid in equal monthly installments.

(b) (1) During regular and extraordinary sessions of the General Assembly, each member shall also receive a daily expense allowance. Each member shall also receive the mileage allowance for the use of a personal car when devoted to official business as provided for in Code Section 50-19-7, for not more than one round trip to and from the member's residence and the state capitol by the most practical route, per calendar week, or portion thereof, during each regular and extraordinary session. In the event a member travels by public carrier for any part of a round trip as provided above, such member shall receive a travel allowance of actual transportation costs for each such part in lieu of the mileage allowance. For each day's service within the state as a member of a standing committee or of an interim committee created by or pursuant to a resolution of either or both houses or as a member of a committee, board, bureau, commission, or other agency created by or pursuant to statute or the Constitution of Georgia, such member shall receive a daily expense allowance and the mileage allowance for the use of a personal car when devoted to official business as provided for in Code Section 50-19-7 or a travel allowance of actual transportation costs if traveling by public carrier. Any such member shall also be reimbursed for any conference or meeting registration fee incurred in the performance of his or her official duties as a member of any committee, board, bureau, commission, or other agency. In the event it becomes necessary for a committee to rent a meeting room in the performance of the duties of the committee, the committee chairperson must have prior written approval of the President of the Senate or the Speaker of the House, or both, as the case may be, depending on the composition of the committee. The expense of such rental

shall be billed to the committee. For each day's service out of state as a member of any committee, board, bureau, commission, or other agency, such member shall receive actual expenses as an expense allowance, plus the mileage allowance for the use of a personal car when devoted to official business as provided for in Code Section 50-19-7 or a travel allowance of actual transportation costs if traveling by public carrier or by rental motor vehicle. The amount of the daily expense allowances provided for in this paragraph shall be fixed by the Legislative Services Committee; provided, however, that the amount of the daily expense allowance shall remain at \$75.00 until changed by the Legislative Services Committee. The Legislative Services Committee shall periodically review, and when appropriate revise, the amount of the daily expense allowance. The amount of the daily expense allowance shall be fixed by the Legislative Services Committee in an amount which reasonably corresponds to the housing and meal expenses typically incurred by members in the performance of their duties; provided, however, that the amount so fixed shall not exceed the federal per diem rate in effect for the state capital as specified by the General Services Administration at the time that the committee acts.

(2) Transportation costs incurred by a member of the Senate for air travel within or without the state during the interim as a member of a committee, board, bureau, commission, or other agency shall be reimbursed only if the incurring of such costs is approved under procedures established by the Senate Administrative Affairs Committee. Transportation costs incurred by a member of the House of Representatives for air travel within or without the state during the interim as a member of a committee, board, bureau, commission, or other agency shall be reimbursed only if the incurring of such costs is approved under procedures established by the Speaker of the House.

(3) Notwithstanding any other provision of this subsection to the contrary, reimbursement of authorized transportation costs incurred by a member of the General Assembly for air travel inside or outside the state at any time shall be limited to the amounts provided for in the state-wide contract. As used in this paragraph, the term 'state-wide contract' means the state-wide contract for airline travel incorporated in the state travel regulations established by the Department of Audits and Accounts and the Office of Planning and Budget. This limitation shall not apply, however, if the air travel is between pairs of cities not covered in the state-wide contract, if no state-wide contract is in effect, if the contracted flight is other than a nonstop flight, the contracted flight would cause the member undue hardship or would conflict with the member's schedule, or if passage under a state-wide contract is otherwise not reasonably available. When reimbursement is requested for an amount in excess of the amount provided in the state-wide contract, the member shall sign a statement indicating which of the foregoing exceptions applies.

(4) All allowances provided for in this subsection shall be paid upon the submission of proper vouchers.

(c) No member shall receive any expense allowance, mileage allowance, or travel allowance for service as a member of any committee,

board, bureau, commission, or other agency, as provided for in this Code section, unless such member has personally performed the service and has personally incurred the expense for mileage or travel. Each member of the General Assembly submitting a voucher shall certify that such member personally performed the service and personally incurred the expense for mileage or travel covered by the voucher and that the information contained on the voucher is true and correct. The voucher shall contain such a certificate which the member must sign.

(d) It shall be unlawful for any member willfully to make a certificate, as provided for in subsection (c) of this Code section, knowing it to be false; and any member convicted of making such a false certificate shall be punished by a fine of not more than \$1,000.00, or by imprisonment of not less than one nor more than five years, or both. No member of the General Assembly shall receive any compensation, salary, per diem, expenses, allowances, mileage, costs, or any other remuneration whatsoever for service as a member of the General Assembly other than as provided for in this Code section.

(e) The Senate Rules Committee shall designate an audit subcommittee to examine and review, not less than once every two months, legislative expenditures, including all vouchers submitted by members of the Senate, as provided for in this Code section, for which the members have received payment. The subcommittee is authorized to issue reports of its examination and review. The Journals Committee of the House of Representatives shall examine and review, not less than once every two months, legislative expenditures, including all vouchers submitted by members of the House of Representatives, as provided for in this Code section, for which the members have received payment. The committee is authorized to issue reports of its examination and review.

(f) If sickness prevents any member from attending the house of which he is a member during any session of the General Assembly, he shall be entitled to the same daily expense allowance as an attending member. No member shall receive a daily expense allowance for absent time except on account of sickness of himself or his family or by express leave of the house of which he is a member.

(g) Prior to January 10, 1983, if any member of the General Assembly dies during or after a regular or extraordinary session without having received all or any portion of his daily expense allowance for such session, the amount due for the whole session shall be paid to the surviving spouse of the deceased; and if there is no surviving spouse, in like manner to the children; and if there are no children, in like manner to the mother; and if there is no mother, in like manner to the father; and if there is no father, in like manner to the estate of the deceased member.

(h) From and after January 10, 1983, if any member of the General Assembly dies during or after a regular or extraordinary session without having received all or any portion of the member's daily expense allowance for such session, the amount due for the whole session shall be paid to the surviving spouse of the deceased; and if there is no surviving spouse, in like manner to the children; and if there are no children, in like manner to the estate of the deceased member. The member's salary for the full calendar month during which the member dies shall be paid in the same manner.

(Orig. Code 1863, Secs. 184, 185, 186; Code 1868, Secs. 178, 179, 180; Ga. L. 1871-72, p. 18, Sec. 1; Code 1873, Secs. 189, 190, 191; Code 1882, Secs. 189, 190, 191; Civil Code 1895, Secs. 309, 310, 311; Civil Code 1910, Secs. 351, 352, 353; Ga. L. 1918, p. 89, Sec. 1; Ga. L. 1919, p. 76, Sec. 1; Code 1933, Secs. 47-107, 47-108, 47-109; Ga. L. 1960, p. 141, Sec. 1; Ga. L. 1966, p. 544, Sec. 1; Ga. L. 1967, p. 39, Sec. 1; Ga. L. 1970, p. 647, Sec. 1; Ga. L. 1971, p. 207, Sec. 1; Ga. L. 1972, p. 248, Sec. 1; Ga. L. 1975, p. 155, Sec. 1; Ga. L. 1976, p. 763, Sec. 1; Ga. L. 1981, p. 699, Sec. 1; Ga. L. 1982, p. 3, Sec. 28; Ga. L. 1985, p. 1055, Sec. 1; Ga. L. 1986, p. 10, Sec. 28; Ga. L. 1986, p. 311, Sec. 1; Ga. L. 1986, p. 314, Sec. 1; Ga. L. 1992, p. 3041, Sec. 1; Ga. L. 1996, p. 1302, Sec. 1; Ga. L. 1999, p. 1242, Sec. 1, Ga. L. 2001, p. 865, Sec. 1.)

28-1-9. Service in General Assembly to be credited to pension plan of employee of political subdivision. Any person employed by any political subdivision or elected to an office therein on or after March 6, 1962, who, by reason of such office or employment, is eligible for pension benefits under any local system and who, prior to such employment, was a member of the General Assembly of Georgia shall receive credit for time served in the General Assembly in the computation of the service required to become eligible to retire and receive a pension. In computing such credit, such person shall be credited for a full year for each year's membership in the General Assembly of Georgia.

(Ga. L. 1962, p. 595, Sec. 1.)

28-1-10. Seals of the General Assembly and of each house. Authority is granted for the General Assembly, the House of Representatives, and the Senate each to have a seal. The Lieutenant Governor, the Speaker of the House, the Secretary of the Senate, and the Clerk of the House are authorized to use the seal of the General Assembly. The Lieutenant Governor and the Secretary of the Senate are authorized to use the seal of the Senate. The Speaker of the House and the Clerk of the House are authorized to use the seal of the House of Representatives. The Secretary of State is authorized and directed to provide three seals of the General Assembly, placing one in the custody of the Secretary of the Senate, placing one in the custody of the Clerk of the House, and retaining custody of one. He shall provide two seals of the Senate, placing one in the custody of the Secretary of the Senate and retaining custody of one. He shall provide two seals of the House of Representatives, placing one in the custody of the Clerk of the House and retaining custody of one.

(Ga. L. 1963, p. 17.)

28-1-11. Maintenance of engrossed and enrolled bills and resolutions; Secretary of State to publish enrolled Acts. The engrossed copies of all bills and of all resolutions intended to have the effect of law passed by either house of the General Assembly shall be preserved by the Secretary of the Senate and the Clerk of the House of Representatives and deposited in the office of the Secretary of State. The enrolled copies of all bills and of all resolutions intended to have the effect of law, which, when signed by the Governor, become enrolled Acts, shall be deposited in the office of the Secretary of State. The Secretary of State shall provide for the publication of such Acts.

(Orig. Code 1863, Sec. 182; Code 1868, Sec. 177; Code 1873, Sec. 188; Code 1882, Sec. 188; Civil Code 1895, Sec. 308; Civil Code 1910, Sec. 350; Code 1933, Sec. 47-901; Ga. L. 1983, p. 688, Sec. 2.)

28-1-12. Election of state officers for whom manner and time of election not provided. Every state officer whose election is not otherwise provided for shall be elected by the General Assembly in the same manner and at the same time as other officers are elected by the General Assembly.

(Orig. Code 1863, Sec. 1284; Code 1868, Sec. 1365; Code 1873, Sec. 1340; Code 1882, Sec. 1340; Civil Code 1895, Sec. 329; Civil Code 1910, Sec. 372; Code 1933, Sec. 47-401.)

28-1-13. Eligibility of elected county or municipal officials for membership in General Assembly. No elected county or municipal official shall be eligible to serve as a member of the General Assembly

(Ga. L. 1977, p. 683, Sec. 1.)

28-1-14. Notice of intention to introduce local bill; copies to governing authorities. (a) No local bill shall become law unless notice of the intention to introduce such bill shall have been advertised in the newspaper in which the sheriff's advertisements for the locality affected are published one time before the bill is introduced. Such advertisement must be not more than 60 days prior to the convening date of the session at which the bill is introduced. After the advertisement has been published the bill may be introduced at any time during that session unless the advertisement is published during the session, in which event the bill may not be introduced before Monday of the calendar week following the week in which the advertisement is published.

(b) No local bill amending the charter of a municipality or the enabling Act of the governing authority of a county or a consolidated government shall become law unless a copy of the notice of the intention to introduce local legislation required by subsection (a) of this Code section is mailed, transmitted by facsimile, or otherwise provided to the governing authority of any county, municipality, or consolidated government referred to in the bill during the calendar week in which such notice is published as provided in subsection (a) of this Code section or during the seven days immediately following the date of publication of such notice. A single notice sent by United States mail, postage prepaid, addressed to the governing authority of the county, municipality, or consolidated government at the official address of such governing authority shall satisfy the requirement of this subsection. If such notice is mailed, the notice requirement of this subsection shall be presumed to have been met by depositing the copy of the required notice in the United States mail. For purposes of this subsection, the copy of the notice provided to such governing authority may consist of an actual or photostatic copy of the published notice or a typed restatement of the contents of such notice.

(c) A copy of the notice as it was advertised and an affidavit stating that the notice has been published as provided by this Code section and that the notice requirements of this Code section have been met shall be attached to the bill and shall become a part of the bill. Such affidavit shall be made by the author of the bill.

(Code 1981, Sec. 28-1-14, enacted by Ga. L. 1983, p. 646, Sec. 2; Ga. L. 1991, p. 747, Sec. 1; Ga. L. 1996, p. 1198, Sec. 1; Ga. L. 1997, p. 11, Sec. 2; Ga. L. 2002, p. 985, Sec. 1.)

28-1-15. Restrictions on population bills; "population bill" defined. (a) This Code section is passed pursuant to the authority of Article III, Section VI, Paragraph IV, subparagraph (b) of the Constitution, and no population bill shall be passed and no bill using classification by population as a means of determining the applicability of any bill or law to any political subdivision or group of political subdivisions may expressly or impliedly amend, modify, supersede, or repeal this Code section.

(b) As used in this Code section, "political subdivision" means any county, municipality, county school district, independent school district, judicial circuit, militia district, or any other geographical area of the state which does not include the entire area of the

(c) Except as provided in this subsection, "population bill" means any bill using classification by population as a means of determining the applicability of any bill or law to any political subdivision or group of political subdivisions of the state. "Population bill" shall not include the following:

(1) A bill applicable to one specified type of political subdivision and containing a combination of population classifications which includes the population of and affects all political subdivisions of the type specified, including but not limited to state-wide minimum salary bills for county

(2) A bill classifying political subdivisions having less than a specified population and affecting three or more such political subdivisions; provided, however, that this paragraph shall not apply to or affect the legality of any bills classifying political subdivisions having less than a specified population enacted prior to July 1, 1988, or which become effective July 1, 1988;

(3) A bill classifying political subdivisions having more than a specified population and affecting three or more such political subdivisions; provided, however, that this paragraph shall not apply to or affect:

(A) The legality of any bills classifying political subdivisions having more than a specified population enacted prior to July 1, 1988, or which become effective July 1, 1988; or

(B) The passage or legality of any bills amending bills referred to in subparagraph (A) of this paragraph with respect to specific subject matter contained in such bills on July 1, 1988;

(4) A bill classifying political subdivisions on the basis of the population of standard metropolitan statistical areas and affecting three or more such political subdivisions; provided, however, that this paragraph shall not apply to or affect the legality of any bills classifying on the basis of the population of standard metropolitan statistical areas enacted prior to July 1, 1988, or which become effective July

(5) A bill amending a law which classifies political subdivisions on the basis of population if that amendment merely

changes the population classification of such law so as to permit that law to remain applicable to those political subdivisions to which that law was applicable immediately prior to the time the most recent census figures became applicable to those political subdivisions; or

(6) A bill repealing a law which classifies on the basis of population. In order to be permissible under the foregoing exceptions, a bill must fit within only one of the foregoing exceptions; and any bill which uses two or more of the foregoing classification devices shall be a prohibited "populati

(c.1)(1) A population bill shall also mean any bill using classification by population as a means of determining the applicability of any bill or law to any political subdivision or group of political subdivisions of the state with respect to the following:

(A) The salary of any officer, official, or employee of a county, municipality, or other political subdivision; provided, however, that the limitation provided for in this subparagraph shall not apply to state-wide minimum salary bills for county officers which are authorized under paragraph (1) of subsection (c) of this Code section; or

(B) The property, affairs, or operation of the governing authority of a county or municipality, including, but not limited to, any matters pertaining to municipal annexation, deannexation, incorporation, or dissolution.

(2) Except as provided in subparagraph (A) of paragraph (1) of this subsection, any population bill which meets any of the classification criteria of this subsection shall be a prohibited population bill even if such bill is described in paragraphs (1) through (4) of subsection (c) of this Code section. Any such bill enacted prior to July 1, 1997, or which became effective July 1, 1997, may thereafter be repealed as authorized under paragraph (6) of subsection (c) of this Code section or may only be amended as authorized under paragraph (5) of subsection (c) of this Code section.

(d) Nothing in this Code section shall be construed to invalidate any judicially imposed requirements for Acts classifying on the basis of population.

(Code 1981, Sec. 28-1-14, as enacted by Ga. L. 1983, p. 1205, Sec. 2; Code 1981, Sec. 28-1-15, as redesignated by Ga. L. 1984, p. 22, Sec. 28; Ga. L. 1988, p. 1547, Sec. 1; Ga. L. 1997, p. 1308, Secs. 1,2.)

28-1-16. Issuance of subpoenas by Superior Court of Fulton County on behalf of the Committees on Ethics of the Senate and House of Representatives. (a) If the Committee on Ethics of the Senate or House of Representatives determines that the effective functioning of the committee requires the issuance of compulsory process to secure the attendance of a witness or the production of documents and materials, or if a person whose conduct is called into question in an investigation or other proceeding requests the issuance of such compulsory process, the



chairperson or acting chairperson shall make application in writing to the presiding judge of the Superior Court of Fulton County for the issuance of an appropriate subpoena. Such application shall:

(1) Describe in general terms the investigation or other proceeding for which the issuance of subpoena is sought and identify the provisions of the Senate or House rules authorizing the committee to conduct such investigation or proceed;

(2) In the case of process to secure the attendance of a witness, identify the witness; the general nature of the questions to be propounded to the witness; and the reasons for believing that the testimony of the witness is likely to be relevant to the authorized scope of the investigation or proceeding;

(3) In the case of process to secure the production of documents and materials, identify the person to whom the subpoena is to be directed; the general nature of the documents and materials in question; and the reasons for believing that such documents and materials are likely to be relevant to the authorized scope of the investigation or proceeding;

(4) State whether confidential treatment of the application for and issuance of the subpoena is requested;

(5) If the application is submitted on behalf of a person whose conduct is called into question, be accompanied by any materials in support of the application which such person desires to have transmitted to the court with the application; and

(6) If the application is submitted on motion of the committee, be sought by the chair or acting chair only after notification to the person whose conduct is in issue that the subpoena will be sought.

(b) The presiding judge shall act on such application within 48 hours after it is presented to the judge. If the judge finds that the committee is acting within the scope of the authority granted to it by the rules of the Senate or House and that the testimony or documents or materials sought to be elicited appear to be likely to be relevant to the authorized scope of the investigation or proceeding, the judge may cause an appropriate subpoena to be issued and transmitted to the chairperson or acting chairperson. If the judge deems it necessary or appropriate, the judge may hold a closed or open hearing with respect to his or her determination of this matter.

(c) When authorized by the rules of the Senate and House, the confidential treatment of material and information in the course of investigations and other proceedings of the Committees on Ethics shall be recognized by law. Such confidential treatment shall be preserved in proceedings under this Code section as provided in this subsection. If the application for a subpoena requests confidential treatment, the court shall in any event take any and all steps necessary or appropriate to preserve the confidentiality of the application. The court may, but shall not be required to, issue the subpoena in such a manner as to preserve its confidentiality. If the court determines that a subpoena may be issued but confidential treatment is not warranted under the rules of the Senate

or House, the judge shall so notify the chairperson or acting chairperson; and the chairperson or acting chairperson shall then have the option to:

(1) Abandon the request for a subpoena, in which case the application shall remain confidential; or

(2) Accept the determination of the court, in which case the subpoena shall issue, but the application and the issuance shall not be treated as confidential.

(d) In case of refusal to obey a subpoena issued under this Code section to any person, the Superior Court of Fulton County, upon application by the chairman or acting chairman, may issue to the person an order requiring him or her to appear before the court to show cause why he or she should not be held in contempt for refusal to obey the subpoena. Failure to obey a subpoena may be punished by the court as contempt of court.

(e) A subpoena issued under this Code section may be served at any place in the state and in any manner authorized in Code Section 24-10-23. Fees and mileage shall be paid and tendered as provided in Code Section 24-10-24, notwithstanding the general exemption of the state from tender of fees and mileage, and shall be in the form of a check issued by the Legislative Fiscal Office upon the written request of the chairperson or acting chairperson.

(f) Any decision of the court under this Code section shall be appealable in the same manner as provided by law for the appeal of a final judgment in a civil action.  
(Code 1981, Sec. 28-1-16, enacted by Ga. L. 1993, p. 1390, S

28-1-17. Prefiling of proposed bills and resolutions prior to each legislative session; administrative procedure. (a) The purpose of this Code section is to establish an administrative procedure for the prefiling of proposed bills and resolutions prior to the convening of each legislative session. The purposes of such procedure shall in

(1) Allowing, but not requiring, the author of a measure which he or she intends to introduce in the General Assembly to make the members of the General Assembly and the general public aware of the existence and contents of such proposed m

(2) Allowing, but not requiring, the presiding officers of the Senate and House of Representatives to indicate the committees to which they intend to assign such proposed measures if and when they are officially introduced; and

(3) Allowing, but not requiring, standing committees so selected to begin informal consideration of such proposed measures.

(b) During the period which begins on November 15 of each calendar year and ends on the Friday before the second Monday in January of the following calendar year, bills and resolutions considered for introduction in the General Assembly may be prefiled with the Secretary of the Senate and the Clerk of the House as authorized in this Code section. Such measures may be so prefiled with the Secretary of the Senate by any one or more Senators who will be eligible to consider the measure when introduced. Such measures may be so prefiled with the Clerk

of the House by any one or more Representatives who will be eligible to consider the measure when introduced. The prefiling of a measure shall not constitute the official introduction of a bill or resolution, and a bill or resolution may be officially introduced only during a legislative session.

(c) When any one or more authors of a proposed measure desire to prefile the proposed measure, they shall obtain copies of the same from the Office of Legislative Counsel, prepared in a form to indicate their status as measures to be prefiled, and shall prefile the same with the Secretary of the Senate or the Clerk of the House in such manner as may be prescribed by the Secretary or the Clerk.

(d) Neither the prefiling of a proposed measure by the author, an indication of intention to assign a proposed measure to a committee by a presiding officer, nor the informal consideration of a proposed measure by a committee shall be binding or have official status as the introduction, assignment to committee, or committee consideration of a measure; and all of such actions may officially be taken only after the convening of a session of the General Assembly.

(e) Upon receipt of a prefiled bill or resolution, the Secretary or Clerk shall assign to the proposed measure an identifying number. The Secretary and Clerk may develop numbering systems which will allow prefiled measures to be identified by a number corresponding to the bill or resolution number which will be assigned to the same measure when and if it is officially introduced during the legislative session.

(f) Following receipt of a prefiled measure, the Secretary or Clerk shall notify the presiding officer of the Senate or House, and such presiding officer may make a preliminary assignment of the measure to a standing committee for consideration by the committee. Such a preliminary assignment shall not constitute the official assignment of an officially introduced bill. Such official assignment of a bill or resolution may take place only following the official introduction of the bill or resolution during the legislative session. Such a preliminary assignment shall in no manner be binding upon the presiding officer, and the official assignment of a bill or resolution after its official introduction may be made without regard to any preliminary assignment of the proposed measure.

(g) Upon the preliminary assignment of a bill or resolution, the committee to which the same is assigned may commence consideration of the proposed measure and the issues addressed therein, but the committee shall have no power to take any official action with respect to such a proposed measure until after its official introduction and assignment to the committee.

(h) All measures prefiled under this Code section and the preliminary assignment of the same shall be matters of public record and shall be made available to the public.

(Code 1981, Sec. 28-1-17, enacted by Ga. L. 1994, p. 1146, Sec.

28-3-1. Doorkeeper and messenger in House of Representatives; sergeant-at-arms in Senate. The House of Representatives is entitled to a doorkeeper and a messenger who shall perform such duties as may be required of them, who shall be elected as provided for the election of the Clerk of the House of Representatives, and who shall be compensated as provided by resolution of the House of Representatives. The Senate is

entitled to a sergeant-at-arms who shall perform such duties as may be required of him, who shall be elected by the Senate, and who shall be compensated as provided by resolution of the Senate.

(Ga. L. 1862-63, p. 139, Sec. 2; Code 1863, Sec. 178; Code 1868, Sec. 173; Code 1873, Sec. 184; Code 1882, Sec. 184; Civil Code 1895, Sec. 296; Civil Code 1910, Sec. 338; Code 1933, Sec. 47-301; Ga. L. 1966, p. 544, Sec. 2; Ga. L. 1983, p. 385, Sec. 1.)

28-3-20. Election and term of office; procedure for filling vacancies. (a) There shall be a Secretary of the Senate and a Clerk of the House of Representatives, elected by the members of each house respectively by recorded vote; and a majority of votes cast is necessary to elect. Their terms of office shall be the time for which the members of the General Assembly are elected and until their successors are elected.

(b) In the event of a vacancy in the office of Clerk of the House or the permanent disability of the Clerk of the House, the Speaker shall appoint a duly qualified person to succeed to the office of Clerk of the House. Any question concerning the existence of permanent disability of the Clerk of the House shall be determined by the Speaker with the concurrence of a majority of the chairmen of the standing committees of the House. Any person succeeding to the office of Clerk of the House pursuant to this subsection shall serve for the remainder of the unexpired term.

(c)(1) In the event of a vacancy in the office of Secretary of the Senate while the Senate is not in session or the permanent disability of the Secretary of the Senate while the Senate is not in session, the President Pro Tempore of the Senate shall appoint a duly qualified person to succeed to the office of Secretary of the Senate. Any person succeeding to the office of Secretary of the Senate pursuant to this paragraph shall serve until the next session of the General Assembly, at which time the Senate shall elect a duly qualified person to serve for the remainder of the unexpired term, if any.

(2) In the event of a vacancy in the office of the Secretary of the Senate while the Senate is in session or the permanent disability of the Secretary of the Senate while the Senate is in session, the Senate shall elect a duly qualified person to serve for the remainder of the unexpired term.

(3) Any question concerning the existence of permanent disability of the Secretary of the Senate shall be determined by the President of the Senate with the concurrence of a majority of the chairmen of the standing committees of the Senate.

(Orig. Code 1863, Sec. 188; Code 1868, Sec. 182; Code 1873, Sec. 194; Code 1882, Sec. 194; Civil Code 1895, Sec. 315; Civil Code 1910, Sec. 358; Code 1933, Sec. 47-201; Ga. L. 1983, p. 494, Sec. 2; Ga. L. 1984, p. 656, Sec. 1; Ga. L. 1991, p. 622, Sec. 1.)

28-3-21. Bond for discharge of duties. Immediately after their election, the Secretary of the Senate and the Clerk of the House of Representatives shall each give bond and security in the sum of \$5,000.00, payable to the Governor and his successors in office and conditioned for the faithful discharge of their respective duties. The bonds shall be

approved by the President of the Senate and the Speaker of the House respectively.

(Ga. L. 1878-79, p. 185, Sec. 3; Code 1882, Sec. 198; Civil Code 1895, Sec. 320; Civil Code 1910, Sec. 363; Code 1933, Sec. 47-204.)

28-3-22. Duties when both branches of the General Assembly meet in single chamber. When there is a meeting of both branches of the General Assembly in one chamber, the Secretary of the Senate and the Clerk of the House of Representatives shall be present and join in the discharge of the duties required, and each shall enter the proceedings in the journal of his respective house.

(Orig. Code 1863, Sec. 196; Code 1868, Sec. 190; Code 1873, Sec. 202; Code 1882, Sec. 202; Civil Code 1895, Sec. 324; Civil Code 1910, Sec. 367; Code 1933, Sec. 47-205.)

28-3-23. Compensation, expenses, and allowances; travel expenses. (a) The Secretary of the Senate shall receive such compensation, expenses, and allowances as shall be provided by resolution of the Senate; and the Clerk of the House of Representatives shall receive such compensation, expenses, and allowances as shall be provided by resolution of the House of Representatives.

(b) The Secretary of the Senate and the Clerk of the House of Representatives shall receive traveling expenses when traveling in the service of the state by motor vehicle as provided for in Code Section 50-19-7.

(Ga. L. 1974, p. 458, Sec. 1.)

28-3-24. Procedure for distributing bills, resolutions, and other documents; fees. The Legislative Services Committee shall provide a procedure for the distribution by the Secretary of the Senate and the Clerk of the House of Representatives of bills, resolutions, calendars, status sheets, and other documents. Such procedure may be changed from time to time by the committee and may include a schedule or schedules of fees to be charged for such documents. All funds received as a result of such fees by the Secretary and the Clerk shall be paid into the general fund of the state treasury.

(Orig. Code 1863, Sec. 1577; Code 1868, Sec. 1639; Code 1873, Sec. 1645; Ga. L. 1878-79, p. 185, Sec. 1; Code 1882, Sec. 1645; Civil Code 1895, Sec. 286; Civil Code 1910, Sec. 321; Code 1933, Sec. 47-210; Ga. L. 1967, p. 268, Sec. 1; Ga. L. 1982, p. 3, Sec. 28; Ga. L. 1985, p. 511, Sec. 1.)

28-3-24.1. Public distribution of legislative information in electronic format. (a) It is the policy of the General Assembly that legislative information concerning the activities of the General Assembly may be made readily and widely available in electronic format on a timely basis.

(b) The Secretary of the Senate and the Clerk of the House of Representatives may provide legislative information in electronic format to the GeorgiaNet Division of the Georgia Technology Authority for purposes of public distribution as provided in Code Section 50-25-14. The information may be provided on at least a daily basis in the most current format available. The information provided may include at a minimum: available schedules and agenda for committee meetings; available bill and resolution status information; and full text of all available prefiled and

introduced versions of bills and resolutions, including amendments and substitutes. The information provided may include such other matters as will in the determination of the Secretary and the Clerk contribute to the purposes of this Code section. The Georgia Technology Authority shall work with the General Assembly to develop a single Internet site for the Georgia General Assembly. The content and the format of the General Assembly Internet site shall be determined by the Legislative Services Committee.

(Code 1981, Sec. 28-3-24.1, enacted by Ga. L. 1995, p. 720, Sec. 1; Ga. L. 2000, p. 249, Sec. 1.)

28-3-25. Oath of office. The Secretary of the Senate and the Clerk of the House of Representatives, before entering on the discharge of their duties, shall take an oath before the respective presiding officers of the two houses to discharge their duties faithfully and to the best of their skill and knowledge. Said oath should be entered in the journals of the respective houses.

(Orig. Code 1863, Sec. 189; Code 1868, Sec. 183; Code 1873, Sec. 195; Code 1882, Sec. 195; Civil Code 1895, Sec. 316; Civil Code 1910, Sec. 359; Code 1933, Sec. 47-202.)

28-4-1. Legislative Services Committee; creation; membership; compensation; meetings. (a) There is created the Legislative Services Committee, hereinafter called the committee, to be composed of the Speaker of the House of Representatives, the President of the Senate, the chairperson of the Appropriations Committee of the Senate, the chairperson of the Appropriations Committee of the House of Representatives, the chairperson of the Judiciary Committee of the Senate, the chairperson of the Judiciary Committee of the House of Representatives, the chairperson of the Banking and Financial Institutions Committee of the Senate, the chairperson of the Ways and Means Committee of the House of Representatives, the President Pro Tempore of the Senate, the Speaker Pro Tempore of the House of Representatives, the majority leader of the Senate, the majority leader of the House of Representatives, the minority leader of the Senate, the minority leader of the House of Representatives, the Secretary of the Senate, and the Clerk of the House of Representatives. The Speaker of the House of Representatives shall be chairperson of the committee, and the Secretary of the Senate shall be secretary of the committee.

(b) The members of the committee shall receive no additional allowances for service on the committee while the General Assembly is in session; but, for each day spent in the performance of their duties under this chapter between sessions, the members shall receive the allowances authorized by law for legislative members of interim legislative committees.

(c) The committee shall meet at least twice during each calendar year. Additional meetings may be held upon the call of the chairperson or upon the call of a majority of the members of the committee. Nine members of the committee shall constitute a quorum and the affirmative vote of a majority of those members present at a meeting of the committee, provided such members present constitute a quorum, shall be necessary to transact business of the committee. The chairperson shall be entitled to vote on all matters requiring a vote of the committee.

(Ga. L. 1959, p. 152, Sec. 1; Ga. L. 1961, p. 230, Sec. 1; Ga. L. 1976, p. 176, Sec. 1; Ga. L. 1979, p. 795, Sec. 1; Ga. L. 1983, p. 722, Sec. 1; Ga. L. 1984, p. 359, Secs. 1, 2; Ga. L. 1990, p. 366, Sec. 1; Ga. L. 1991, p. 5, Sec. 1; Ga. L. 1995, p. 933, Sec. 1, Ga. L. 2001, p. 865, Sec. 2.)

28-4-2. General powers and duties of Legislative Services Committee. (a) The committee is empowered to:

(1) Study and adopt methods and procedures to operate more efficiently the General Assembly and each house thereof;

(2) Study and adopt methods and procedures to make more uniform the operations of the Senate and the House of Representatives;

(3) Exercise general supervision of the operation of the legislative branch of government and act for and enter into contracts on behalf of agencies of the legislative branch, the General Assembly, and each house thereof;

(4) Provide for services for the legislative branch of government; and

(5) Delegate such of its powers and authority as it deems advisable.

(b) The committee shall have complete control, authority, and jurisdiction over the rooms, chambers, offices, and other areas on the third and fourth floors of the state capitol building and on the mezzanine between the third and fourth floors. All assignments for the use of such rooms, chambers, offices, and other areas by the General Assembly, the Senate, the House of Representatives, committees of the Senate and the House, members of the Senate and the House, and agencies, officials, and employees of the legislative branch of government shall be made by the committee or under such procedure as the committee shall provide. Any assignment shall be subject to change by the committee. Use of any such room, chamber, office, or other area, other than as provided above, shall be under such procedure as the committee shall provide.

(c) The committee is authorized to provide for the maintenance, repair, construction, renovation, refurbishing, and furnishing of the rooms, offices, and other areas which are under the control, authority, and jurisdiction of the committee or which have been assigned jointly to the Senate and House of Representatives. The Senate is authorized to provide for the maintenance, repair, construction, renovation, refurbishing, and furnishing of the rooms, chamber, offices, and other areas which are under the control, authority, and jurisdiction of the Senate and the House of Representatives is authorized to provide for the maintenance, repair, construction, renovation, refurbishing, and furnishing of the rooms, chamber, offices, and other areas which are under the control, authority, and jurisdiction of the House of Representatives. Any repair, construction, or renovation by the committee, the Senate, or the House of Representatives in an amount exceeding \$5,000.00 shall be accomplished on a competitive bid basis unless such repair, construction, or renovation is accomplished by a state agency or authority. The committee, the Senate, and the House of Representatives shall provide for competitive bids. The committee, the Senate, and the House of Representatives may provide for emergency repairs other than by competitive bids.

(d) The committee shall provide for the procurement of supplies, materials, and equipment which are required jointly for the Senate and House of Representatives. The Senate shall provide for the procurement of supplies, materials, and equipment for the Senate and the House of Representatives shall provide for the procurement of supplies, materials, and equipment for the House of Representatives. Such procurement by the committee, the Senate, and the House of Representatives may be accomplished through a state-wide contract which has been approved by the Department of Administrative Services -- Purchasing Division and which was entered into as a result of competitive bids. Procurement may also be accomplished through the Department of Administrative Services -- Central Supply. All other procurement of supplies, materials, and equipment in an amount exceeding \$3,000.00 on any single order shall be accomplished by competitive bids. The committee, the Senate, and the House of Representatives shall provide for competitive bids. The committee, the Senate, and the House of Representatives may provide for emergency procurement of supplies, materials, and equipment without competitive bids. The committee, the Senate, and the House of Representatives may provide for the emergency repair of equipment without competit

(e) The committee shall contract with a licensed certified public accountant or certified public accounting firm to conduct annually in accordance with accepted accounting principles a financial audit of legislative funds and expenditures. Such audit shall detail the expenditures of the following offices of the legislative branch: Lieutenant Governor, Secretary of the Senate, Senate, Speaker of the House of Representatives, Clerk of the House of Representatives, House of Representatives, Office of Legislative Counsel, Office of Legislative Budget Analyst, and Office of Legislative Fiscal Officer.

(f) The committee is authorized to contract with a licensed certified public accountant or certified public accounting firm to perform a management audit of the financial practices and operations of the legislative branch of government and, if the committee deems it advisable, to conduct a performance audit of one or more of the legislative offices listed in subsection (e) of this Code section.

(g) A copy of the minutes of the meetings of the committee and of the audits provided for in this Code section shall be made available for public inspection in the office of the Speaker of the House of Representatives, in the office of the President of the Senate, in the office of the Clerk of the House of Representatives, and in the office of the Secretary of the Senate. Upon the request of a member of the General Assembly, a copy of the minutes of a meeting of the committee shall be sent to such member.

(h) The committee is authorized to provide for such other procedures as it deems advisable for the purpose of carrying out this Code section.

(Ga. L. 1959, p. 152, Sec. 2; Ga. L. 1964, p. 459, Sec. 1; Ga. L. 1976, p. 176, Sec. 2; Ga. L. 1984, p. 359, Secs. 3, 4; Ga. L. 1985, p. 669, Sec. 1; Ga. L. 1987, p. 1046, Secs. 1, 2.)

28-4-3. Office of Legislative Counsel; creation; qualifications; powers and duties. (a) There is created the Office of Legislative Counsel. The legislative counsel shall be an attorney skilled and experienced in legislative matters and bill drafting.



(b) It shall be the duty of the legislative counsel to:

(1) Provide bill-drafting services which shall be equally available to every member of the General Assembly;

(2) Advise and counsel members of the General Assembly on legislative matters.

(c) The legislative counsel is authorized to:

(1) Provide for statutory and Code revision, render opinions, assist standing and interim committees, and perform similar legislative functions;

(2) Perform research, issue reports, and make recommendations as a result thereof;

(3) Exchange information, data, and material with similar agencies in other states;

(4) Provide legal services for the legislative branch of government and, with the approval of the committee or the chairman, to represent the interests of the legislative branch in matters involving litigation; and

(5) With the approval of the committee, provide for advisory committees relative to statutory and Code revision. He is authorized to seek the advice and assistance of the State Bar of Georgia, law schools, and individuals and organizations knowledgeable in this field.

(d) Any other provisions of law to the contrary notwithstanding, he is authorized to engage the services of others, including private counsel, by contract or otherwise, to assist him in the performance of his duties and is authorized to provide for the payment of fees, compensation, and expenses therefor from legislative funds.

(e) The legislative counsel shall provide for the compiling, indexing, editing, and publication of the Georgia Laws containing the Acts and resolutions of the General Assembly and other appropriate materials. Except as otherwise provided in this subsection, such Acts and resolutions shall be published in hardbound volumes suitable for retention as permanent records as well as in softbound volumes or pamphlets suitable for prompt distribution of newly enacted laws to public officers, attorneys, and the public; and following each session of the General Assembly, a copy of such softbound Georgia Laws shall be furnished to the clerk of superior court of each county within 30 days after the last date on which the Governor may approve or veto bills enacted at that session of the General Assembly. In the case of any special session of the General Assembly, however, the separate publication and distribution of the Acts and resolutions enacted at that special session may be omitted, and in such case the Acts and resolutions enacted at the special session shall be published and distributed together with those enacted at the subsequent regular session. Distribution of the Georgia Laws shall be carried out by the Secretary of State as provided for in Code Section 45-13-22; and the Secretary of State shall notify the legislative counsel of the numbers of volumes required to carry out such distribution.

(f) The legislative counsel shall have such other authority and duties as the committee may provide.

(Ga. L. 1959, p. 152, Sec. 3; Ga. L. 1965, p. 270, Sec. 1; Ga. L. 1966, p. 586, Sec. 1; Ga. L. 1969, p. 635, Sec. 1; Ga. L. 1976, p. 176, Secs. 3, 5; Ga. L. 1988, p. 7, Sec. 1; Ga. L. 1990, p. 782, Sec. 1; Ga. L. 1993, p. 91, Sec. 28.)

28-4-4. Election of legislative counsel. The Legislative Services Committee shall elect the legislative counsel and a majority vote of the total membership of the committee shall be necessary for such election.

(Ga. L. 1959, p. 152, Sec. 4; Ga. L. 1965, p. 270, Sec. 2; Ga. L. 1987, p. 360, Sec. 1.)

28-4-5. Attorney General to serve as advisor to legislative counsel. The Attorney General shall serve as an advisor to the legislative counsel.

(Ga. L. 1959, p. 152, Sec. 10.)

28-4-6. Employment, powers, and duties of legislative fiscal officer and legislative budget analyst. (a) The Legislative Services Committee is authorized to employ a legislative fiscal officer for the legislative branch of government, and the fiscal officer and personnel to assist him shall be a part of the Office of Legislative Counsel. The fiscal officer shall act as the bookkeeper-comptroller for the legislative branch of government and shall maintain an account of legislative expenditures and commitments. He shall maintain an inventory of the equipment, furnishings, and nonexpendable items belonging to the legislative branch. He shall prepare and sign vouchers pertaining to the expenditure of legislative funds. He shall prepare and sign all warrants for the expenditure of funds appropriated to and available to the legislative branch of government. Such warrants shall be paid by the fiscal officer, and it shall not be necessary that they be countersigned by the Comptroller General. All payments from funds appropriated to the legislative branch of government shall be made by the fiscal officer, and reference in any other law to any other official or person in connection with any duties pertaining to such payments shall be deemed to refer to the fiscal officer; all duties of any such other official or person in connection therewith are transferred to the fiscal officer. The fiscal officer shall be under such bond as the Legislative Services Committee shall prescribe, and the premium thereon shall be paid from funds appropriated to the legislative branch of government. The fiscal officer shall have such other duties as shall be prescribed by the cor

(a.1) The legislative fiscal officer is authorized on behalf of the legislative branch to pay any properly authorized invoice which does not exceed \$5,000.00. Any invoice which exceeds \$5,000.00 may not be paid by such fiscal officer without prior approval from the committee. The committee may provide for such approval to be given at meetings of the committee, or in writing between meetings by a majority of the members of the committee, or in such other manner as the committee may establish. All invoices shall contain in detail a description of the work performed, materials used or purchased, and any other information pertinent to the obligation. Before the fiscal officer may pay any invoice, a requisition or purchase order covering such invoice and signed by the person or persons authorized by the Legislative Services Committee to do so plus

evidence of delivery must have been submitted to the fiscal officer. A list of all invoices which have been paid shall be submitted by the fiscal officer to the committee on a monthly basis.

(b) The Legislative Services Committee is authorized to employ a legislative budget analyst to assist the General Assembly and its committees in connection with appropriations and budgetary matters. The legislative budget analyst shall render assistance and give advice to the appropriations committees of the Senate and the House of Representatives. He is authorized to request information and material from all state departments, boards, bureaus, commissions, committees, authorities, and agencies in connection with his duties; and all such departments, boards, bureaus, commissions, committees, authorities, and agencies are directed to furnish such information and material as he shall request. The legislative budget analyst shall perform such other duties as the General Assembly, the Legislative Services Committee, and the appropriations committees shall prescribe.

(c) A majority vote of the total membership of the Legislative Services Committee shall be necessary to employ the legislative fiscal officer and the legislative budget analyst.

(Ga. L. 1959, p. 152, Sec. 5; Ga. L. 1961, p. 230, Sec. 1; Ga. L. 1969, p. 232, Sec. 1; Ga. L. 1971, p. 67, Sec. 1; Ga. L. 1976, p. 176, Sec. 4; Ga. L. 1984, p. 359, Secs. 5, 6; Ga. L. 1990, p. 366, Sec. 2.)

28-4-7. Personnel to assist legislative counsel, legislative fiscal officer, and legislative budget analyst; offices and supplies. The Office of Legislative Counsel, the Office of Legislative Fiscal Officer, and the Office of Legislative Budget Analyst shall be under the budgetary control of the Legislative Services Committee. The committee shall provide procedures for the employment of personnel to assist the legislative counsel, the legislative fiscal officer, and the legislative budget analyst; and those three officials and such personnel shall be compensated under such procedure as the committee shall provide. The three officials shall have supervision of personnel in their offices relative to the duties of their employment. The committee shall provide office space for the three offices and furnish them with supplies, materials, furniture, furnishings, books, equipment, and services.

(Ga. L. 1959, p. 152, Sec. 5; Ga. L. 1976, p. 176, Sec. 4; Ga. L. 1984, p. 359, Sec. 7.)

28-4-9. Source of funds for operation of chapter. The funds necessary to carry out this chapter shall be paid from the funds provided for the legislative branch of government.

(Ga. L. 1959, p. 152, Sec. 8; Ga. L. 1976, p. 176, Sec. 6.)

28-5-1. Introduction of bills changing compensation for state officials. Any bill making a change in the amount of the compensation or allowances of any elected or appointed state official or department or agency head must be introduced in the General Assembly during the first ten days of any session thereof. Any such bill introduced after the tenth day of any session shall not be considered or acted upon in any manner by either the Senate or the House of Representatives.

(Ga. L. 1968, p. 1212, Sec. 1.)

28-5-2. Fiscal notes for bills changing compensation. (a) The chairman of any committee of either house of the General Assembly shall request the state auditor to prepare and furnish a fiscal note for each bill referred to such committee which would change the compensation or allowances of any elected or appointed state official, officer, or department or agency head. This Code section shall apply only if such compensation or allowances are to be paid either wholly or in part from state funds.

(b) It shall be the duty of the state auditor to compile and furnish such fiscal notes as may be requested by the chairman of any committee of either house of the General Assembly. Such fiscal notes shall contain a statement of the present compensation and allowances of the official, officer, or department or agency head, any present longevity increments, and any personal expense allowances, other than mileage and travel expenses, and shall contain a statement of the proposed increase or change in such compensation, allowances, or increments, with the total cost of such changes. Such fiscal notes shall be printed by the Clerk of the House of Representatives or the Secretary of the Senate and shall be distributed to members of the General Assembly prior to a vote being taken on such bill in either house of the General Assembly.

(Ga. L. 1975, p. 770, Sec. 1.)

28-5-3. Recording of votes on bills or resolutions fixing compensation or allowances of officials. The "ayes" and "nays" shall be recorded upon each and every vote taken by each house of the General Assembly on any bill or resolution fixing the compensation or allowances of any official except county and municipal officials.

(Ga. L. 1974, p. 476, Sec. 1.)

28-5-4. Consideration of general appropriations bill. The general appropriations bill shall be referred by the Speaker to the Appropriations Committee of the House of Representatives. In the event such bill is reported out of the Appropriations Committee as "do pass by substitute" or "do pass as amended," neither the committee of the whole nor the House of Representatives shall consider the bill until at least 24 hours after the substitute or the amendments, as the case may be, have been printed and placed on the desk of each member.

(Ga. L. 1969, p. 680, Sec. 1.)

28-5-5. Budgetary Responsibility Oversight Committee; members; duties; other entities to cooperate with committee; annual report; allowances; performance audits. (a) There is created the Budgetary Responsibility Oversight Committee which shall be composed of six members of the House of Representatives appointed by the Speaker of the House of Representatives and six members of the Senate appointed by the President of the Senate. The members of such committee shall be selected within ten days after the convening of the General Assembly in each odd-numbered year and shall serve until their successors are appointed.

(b) The Speaker of the House of Representatives shall appoint a member of the committee to serve as chairperson and the President of the Senate shall appoint members of the committee to serve as vice chairperson and secretary during each even-numbered year. The President of the Senate shall appoint a member of the committee to serve as chairperson and the Speaker of the House of Representatives shall appoint members to serve as

vice chairperson and secretary during each odd-numbered year. Such committee shall meet at least six times each year and, upon the call of the chairperson, at such additional times as deemed necessary by the chairperson.

(c) It shall be the duty of such committee to consult with the Governor and the Office of Planning and Budget concerning the development and implementation of the strategic planning process, the development of outcome measures for program evaluation, and the implementation of related actions.

(d) It shall be the duty of such committee to review and evaluate the following:

(1) Information on new programs submitted in accordance with Code Section 45-12-88;

(2) The continuation budget report submitted in accordance with Code Section 45-12-75.1;

(3) The strategic plans for the state and individual departments submitted by the Office of Planning and Budget;

(4) Program evaluation reports submitted in accordance with Code Section 45-12-178;

(5) Information or reports to be submitted by the Office of Planning and Budget identifying moneys received and purposes for which moneys are expended in any case in which the receipt or expenditure is not contemplated by an appropriations Act;

(6) Such other information or reports as deemed necessary by such committee.

(e) The Office of Planning and Budget and the head of each budget unit shall cooperate with such committee and provide such information or reports as requested by the committee for the performance of its functions.

(f) The committee shall make an annual report of its activities and findings to the membership of the General Assembly and the Governor within one week of the convening of each regular session of the General Assembly. The chairperson of the committee shall deliver written executive summaries of such report to the members of the General Assembly prior to the adoption of the General Appropriations Act each year.

(g) The members of the committee shall receive the allowances authorized for legislative members of legislative committees. The funds necessary to pay such allowances shall come from funds appropriated to the House of Representatives and the Senate.

(h) The committee shall be authorized to request that a performance audit be conducted for any department which the committee deems necessary.

(Code 1981, Sec. 28-5-5, enacted by Ga. L. 1993, p. 1914, Sec. 18; Ga. L. 1994, p. 97, Sec. 28; Ga. L. 1995, p. 923, Sec. 1.)

28-5-20. Creation of Fiscal Affairs Subcommittees. There are created a Fiscal Affairs Subcommittee of the Senate and a Fiscal Affairs Subcommittee of the House of Representatives.

(Ga. L. 1966, p. 293, Sec. 1; Ga. L. 1967, p. 722, Sec. 1.)

28-5-21. Selection and term of service of members. (a) The Fiscal Affairs Subcommittee of the Senate shall be composed of

(1) Four incumbent members of the Senate Appropriations Committee who were reelected, to be selected by the President-Elect of the Senate, if there be one, or if not, by the President of the Senate;

(2) Five incumbent members of the Senate who were reelected, to be selected by the Governor; and

(3) The Lieutenant Governor-Elect, if there be one, or if not, the Lieutenant Governor.

(b) The Fiscal Affairs Subcommittee of the House of Representatives shall be composed of:

(1) Four incumbent members of the House Appropriations Committee who were reelected, to be selected by the Speaker-of-the-House-Nominate (that is, the member of the House who has been nominated Speaker in the caucus of the political party having a majority of the members elected to the House of Representatives in the general election);

(2) Five incumbent members of the House who were reelected, to be selected by the Governor; and

(3) The Speaker-of-the-House-Nominate, as defined in paragraph (1) of this subsection.

(c) The members of each of these subcommittees shall be selected within 30 days after each general election for members of the General Assembly.

(d) Each such subcommittee shall serve until the successor subcommittee is composed and appointed after each successive general election for members of the General Assembly.

(Ga. L. 1967, p. 722, Sec. 2.)

28-5-22. Meetings generally. The Fiscal Affairs Subcommittee of the Senate shall meet from time to time at the call of the President of the Senate or the chairman of the Senate subcommittee; and the Fiscal Affairs Subcommittee of the House shall meet from time to time at the call of the Speaker of the House of Representatives or the chairman of the House subcommittee. Such subcommittees may meet jointly at the call of the Lieutenant Governor and the Speaker or of the respective subcommittee chairmen.

(Ga. L. 1967, p. 722, Sec. 3.)

28-5-23. Review of budget requests. The fiscal affairs subcommittee of each house shall have the authority to review the budget

requests of the various departments, bureaus, boards, commissions, institutions, and other state agencies at any time; and the Office of Planning and Budget, the state auditor, and each such department, bureau, board, commission, institute, and other state agency shall promptly furnish to such subcommittees, or either of them, all information requested by them, or by either of them.

(Ga. L. 1967, p. 722, Sec. 4.)

28-5-24. Annual report to General Assembly. The fiscal affairs subcommittees of the Senate and the House jointly shall make an annual report to the General Assembly of matters coming to their attention, together with such recommendations to improve the efficiency in the operation and management of the various departments, boards, bureaus, commissions, institutions, and other agencies of state government as they see fit.

(Ga. L. 1967, p. 722, Sec. 5.)

28-5-25. Joint meetings to review and approve budget unit object class transfers; limitations upon transfers. The fiscal affairs subcommittees shall meet jointly as one committee at least once each quarter, or more often, at the call of the Governor, for the purpose of reviewing and approving budget unit object class transfers recommended by the Governor. Such transfers shall not be made without the approval of at least 11 members of such subcommittees sitting jointly. No funds whatsoever shall be transferred for use in commencing any new program or activity which does not currently have an appropriation or which would require operating funds or capital outlay funds beyond the biennium in which such transfer is made.

(Ga. L. 1967, p. 722, Sec. 6.)

28-5-25.1. Approval of leases. (a) No lease of property owned by a state authority shall become valid until and unless the lease is approved by the fiscal affairs subcommittees meeting jointly at the call of the Governor if such lease is a lease of land for the acquisition of which state funds were appropriated, directly or indirectly, by an appropriations Act which specified that such lease must be approved by the fiscal affairs subcommittees.

(b) The approval of any such lease shall require the affirmative votes of at least 11 members of such subcommittees meeting jointly.

(Code 1981, Sec. 28-5-25.1, enacted by Ga. L. 1988, p. 1865, §

28-5-26. Allowances for members. For all meetings of the subcommittees held when the General Assembly is not in session, the members of the subcommittees shall receive the expense, mileage, and travel allowances authorized by law for legislative members of interim legislative committees. The funds necessary to carry out this article shall come from funds appropriated to and available to the legislative branch of the government.

(Ga. L. 1967, p. 722, Sec. 8.)

28-5-27. Applicability of article to authority of Office of Planning and Budget. This article shall not be construed to supersede or

supplement the authority of the Office of Planning and Budget as set forth in Code Section 45-12-90.

(Ga. L. 1967, p. 722, Sec. 7.)

28-5-40. Short title. This article shall be known and may be cited as the "Georgia Fiscal Note Act."

(Ga. L. 1975, p. 1568, Sec. 1.)

28-5-42. Introduction of bills having significant impact upon anticipated revenues or expenditures; furnishing of fiscal not

(a)(1) Any bill having a significant impact on the anticipated revenue or expenditure level of any state department, bureau, board, council, committee, commission, or other state agency must be introduced no later than the twentieth day of any session. The sponsor of such legislation must request a fiscal note from the Office of Planning and Budget and the Department of Audits and Accounts by November 1 of the year preceding the annual convening of the General Assembly in which the bill is to be introduced, but subsequent to the preparation of such bill by the Office of Legislative Counsel. With respect to a member-elect of the General Assembly, such person must request a fiscal note from the Office of Planning and Budget and the Department of Audits and Accounts by December 1 of the year preceding the annual convening of the General Assembly in which the bill is to be introduced, but subsequent to the preparation of such bill by the Office of Legislative Counsel. The director of the Office of Planning and Budget and the state auditor shall prepare and submit the fiscal note not later than the day of convening of the General Assembly.

(2) The failure to request a fiscal note by November 1 as provided in paragraph (1) of this subsection shall preclude consideration of the measure by the Senate or the House of Representatives unless the committee to which a bill is assigned in the chamber in which it is introduced:

(A)(i) Determines that such bill will have a significant impact as described in paragraph (1) of this subsection;

(ii) Waives the applicable November 1 or December 1 deadline of paragraph (1) of this subsection;

(iii) Requests a fiscal note from the director of the Office of Planning and Budget and the state auditor, except as otherwise provided in subsection (e) of this Code section; and

(iv) Among fiscal notes so requested, the chairperson of such committee suggests a preferred order of completion to guide the director of the Office of Planning and Budget and the state auditor; or



(B) Determines that such bill will not have a significant impact as described in paragraph (1) of this subsection.

(3) Any such determination or waiver shall be by the affirmative vote of a majority of the members of the committee, on a specific motion for waiver, and shall allow consideration of the measure by both chambers so long as the bill has been introduced not later than the twentieth day of any session.

(4) Any general bill having a significant impact on the anticipated revenue or expenditure level of counties and municipalities must be introduced no later than the twentieth day of any session.

(5) This article shall not apply to any local bill affecting a county or municipality which must be advertised in accordance with the requirements of Code Section 28-1-14, relating to the advertisement of local legislation.

(b) In the event any bill having a significant impact as described in paragraph (1) of subsection (a) of this Code section is introduced after the twentieth day of any session, it shall not be considered or acted upon in any manner by either the Senate or the House of Representatives. The President of the Senate shall decide whether a bill which is introduced in the Senate falls within this category; and the Speaker of the House of Representatives shall decide whether a bill which is introduced in the House of Representatives falls within this category. The President of the Senate shall have the same right of decision on House bills which reach the Senate; and the Speaker of the House of Representatives shall have the same right of decision on Senate bills which reach the House of Representatives.

(c)(1) In the event a bill having a significant impact as described in paragraph (1) of subsection (a) of this Code section is introduced not later than the twentieth day of any session, the chairperson of the committee to which such bill is referred shall request the director of the Office of Planning and Budget and the state auditor to submit any such fiscal note as to the fiscal effect of any such bill and to file a copy of such fiscal note with the legislative budget analyst. The chairperson shall make such request after the bill is referred to the committee.

(2) The chairperson shall not be required to make such request with respect to any bill for which:

(A) A fiscal note has been requested by the sponsor of the bill pursuant to paragraph (1) of subsection (a) of this Code section and the chairperson has been duly notified in writing of such request by such sponsor; or

(B) The director of the Office of Planning and Budget and the state auditor have previously submitted a fiscal note pursuant to a request under paragraph (1) of subsection (a) of this Code section.

(d) In the event a determination is made under subparagraph (a)(2)(B) of this Code section that a bill will not have a significant

impact, if the director of the Office of Planning and Budget or the state auditor has information or knowledge that any bill will have a significant impact as described in paragraph (1) of subsection (a) of this Code section, a fiscal note may be prepared according to the criteria outlined in subsection (g) of this Code section. Such a fiscal note may be prepared without a request by the bill's author or the committees to which it is assigned in either chamber. Any fiscal note prepared according to this subsection shall be distributed consistent with Code Section 28-5-44.

(e) During any regular session of the General Assembly, the director of the Office of Planning and Budget and the state auditor shall prepare and submit the fiscal note within five days after receipt of the request or within ten days if the director of the Office of Planning and Budget and the state auditor have made a formal request for extension of time.

(f) The principal administrative and fiscal officers of all departments, boards, councils, committees, commissions, and other agencies of the state government and, when applicable, of counties, municipalities, and other political subdivisions are authorized and directed to cooperate fully with the director of the Office of Planning and Budget and the state auditor in providing any information and assistance necessary in the preparation of fiscal notes pursuant to this Code section.

(g) The fiscal note required by this Code section shall include a reliable estimate in dollars of the anticipated change in revenue or expenditures under the provisions of the bill. It shall also include a statement as to the immediate effect and, if determinable or reasonably foreseeable, the long-range effect of the measure. If, after careful investigation, it is determined that no dollar estimate is possible, the fiscal note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. In this event, the fiscal note shall contain an example based on a specific situation or reflecting the average group of persons possibly affected by the bill so as to provide an indication of the cost of such bill to the General Assembly. Assumptions used to develop these averages shall be noted in the fiscal note and the criteria included herein shall constitute a fiscal note. No comment or opinion regarding the merits of the measure for which the statement is prepared shall be included in the fiscal note; however, technical or mechanical defects may be noted. The state auditor and the director of the Office of Planning and Budget shall jointly prepare their fiscal note; and, if there is a difference of opinion between such officials, it shall be noted in the fiscal note. In the event the director of the Office of Planning and Budget and the state auditor concur that the fiscal note on any such bill cannot be prepared within the five-day limitation in effect during any regular session of the General Assembly, they shall so inform the chairperson in writing and shall be allowed to submit said note not later than ten days after the request for it is made.

(Ga. L. 1975, p. 1568, Sec. 3; Ga. L. 1976, p. 533, Sec. 1; Ga. L. 1978, p. 907, Sec. 1; Ga. L. 1981, p. 1809, Sec. 11; Ga. L. 1982, p. 1116, Sec. 1; Ga. L. 1983, p. 3, Sec. 54; Ga. L. 1985, p. 1331, Secs. 2, 3; Ga. L. 1993, p. 1914, Sec. 19; Ga. L. 1994, p. 97, Sec. 28; Ga. L. 1994, p. 1633, Sec. 1; Ga. L. 1999, p. 761, Sec. 1.)

28-5-44. Attachment of fiscal notes to bills; reading of notes at third reading of bills; distribution of notes relating to bills prior to final votes thereon. The fiscal notes required by this article shall

be attached to the bill by the chairman of the committee to which the bill was referred and shall be read to the members of each respective house of the General Assembly at the third reading of the bill. In addition, a copy of each fiscal note required by this article shall be distributed to each member of the respective house of the General Assembly before which the bill is pending prior to any such bill being voted upon by such house of the General Assembly.

(Ga. L. 1975, p. 1568, Sec. 5.)

28-5-47. Short title. This article shall be known and may be cited as the "State and Local Government Partnership Act of 19

(Ga. L. 1981, p. 1809, Sec. 1; Ga. L. 1995, p. 1189, Sec. .5.)

28-5-47.1. Legislative intent and purpose. It is the intent and purpose of the General Assembly in enacting this article:

(1) To strengthen the partnership between the State of Georgia and local political subdivisions;

(2) To assist the General Assembly in its consideration of proposed legislation and new and revised state programs containing fiscal requirements affecting local political subdivisions by:

(A) Requiring the provision of accurate estimates of the fiscal impact upon local political subdivisions of proposed legislation and new and revised state programs; and

(B) Establishing a mechanism to bring such information to the attention of the members of the General Assembly before the House of Representatives or Senate, respectively, votes on proposed legisla

(3) To promote informed and deliberate decisions by the General Assembly on the appropriateness of proposed fiscal impact legislation in any particular instances;

(4) To improve the quality of state regulations affecting local political subdivisions and the process by which those regulations are developed by:

(A) Providing that state agencies consult with elected and other officials of local political subdivisions; and

(B) Requiring that state agencies prepare accurate estimates of the budgetary impact of state regulatory mandates upon local political subdivisions before adopting such regulations.

(Code 1981, Sec. 28-5-47.1, enacted by Ga. L. 1995, p. 1189, §

28-5-48. Definitions. As used in this article, the t

(1) "Commissioner" means the commissioner of community affairs.

(2) "Department" means the Department of Community Affairs.

(3) "Fiscal note" means a realistic statement of the estimated financial cost of implementing or complying with the proposed law, regulation, rule, order, or administrative law upon local political subdivisions to which the proposed law, regulation, rule, order, or administrative law applies

(4) "Local political subdivision" means a county, municipality, county school district, or independent school district.

(Ga. L. 1981, p. 1809, Sec. 2; Ga. L. 1995, p. 1189, Sec. .5.)

28-5-48.1. Applicability to proposed laws for which full funding to affected localities has been appropriated. This article shall not apply to any proposed bill, resolution, regulation, rule, order, or administrative law for which an appropriation, in an amount sufficient to fund the full cost of the proposal, has been made to affected local political subdivisions.

(Code 1981, Sec. 28-5-48.1, enacted by Ga. L. 1995, p. 1189, §

28-5-49. Analysis of costs of proposed bills and joint resolutions to affected localities; filing of fiscal notes; requests by representatives of local political subdivisions for copies; waiver of requirements. (a) The department shall conduct any analysis to determine the cost of implementation or compliance for all bills and joint resolutions introduced in the General Assembly which have a fiscal impact on local political subdivisions. Before any vote is taken in a committee of the House of Representatives or Senate or on the floor of either house upon any bill or joint resolution determined by the department to require an expenditure which in the aggregate exceeds \$5 million of public funds by local political subdivisions, a fiscal note shall be attached to such bill or resolution and shall be filed by the sponsor of the bill with the chairperson of the committee and the Clerk of the House of Representatives or the Secretary of the Senate and shall be provided to all members of the General Assembly. Any representative of any local political subdivision requesting a copy of the fiscal note shall be furnished with a copy immediately upon request to the Clerk of the House of Representatives or the Secretary of the Senate. This Code section shall not apply to a bill or joint resolution that is necessary for the state to assume the administration of regulatory programs mandated by federal stat

(b) The requirements of this Code section may be waived by the committee to which the bill is assigned in the chamber wherein the bill is introduced. Any such waiver shall be by the affirmative vote of a majority of the members of the committee. Any such waiver by the committee shall allow consideration of the measure by both chambers.

(c) The requirements of this Code section may be waived by

(1) By a majority vote of the House of Representatives or by the Speaker of the House with respect to a bill introduced in the House of Representatives; or

(2) By majority vote of the Senate or by the President of the Senate with respect to a bill introduced in the Senate

Any such waiver shall allow consideration of the measure by both the House of Representatives and the Senate.

(Ga. L. 1981, p. 1809, Sec. 3; Ga. L. 1995, p. 1189, Sec. .5; Ga. L. 1996, p. 6, Sec. 28.)

28-5-50. Filing of notes for regulations, rules, or orders; requests by local political subdivisions for copies. Except as otherwise provided in this Code section, no regulation, rule, order, or administrative law which would have a fiscal impact which in the aggregate exceeds \$5 million on local political subdivisions in this state shall be valid unless 30 days prior to its adoption by a board, commission, agency, department, officer, or other authority of the government of this state, except the General Assembly, the courts, and the Governor, such board, commission, agency, department, officer, or other authority shall file a fiscal note with the members of the General Assembly. Any local political subdivisions that will be affected by the proposed regulation, rule, policy, order, or administrative law, upon request, shall immediately be furnished with a copy of the fiscal note by the board, commission, agency, department, officer, or other authority. This Code section shall not apply to an emergency regulation, rule, order, or administrative law as described by subsection (b) of Code Section 50-13-4, to any rule or regulation adopted or order issued pursuant to legislation exempted from Code Section 28-5-49, or to any other order issued to abate or prevent violations of specific statutory provisions enacted by the General Assembly.

(Ga. L. 1981, p. 1809, Sec. 4; Ga. L. 1995, p. 1189, Sec. .5.)

28-5-51. Contents of fiscal note. A fiscal note shall contain an aggregated estimate of the fiscal impact of a bill, a joint resolution, or an administrative action on local political subdivisions for the fiscal year in which it would become effective, if enacted, and for the next two succeeding fiscal years. If the fiscal impact of the bill, joint resolution, or administrative action is not expected to be totally evident within the applicable period, the estimate shall be projected beyond that period to include an estimate for the first fiscal year in which it is expected to be fully effective.

(Ga. L. 1981, p. 1809, Sec. 5; Ga. L. 1995, p. 1189, Sec. .5.)

28-5-52. Assistance of other departments and agencies in the preparation of fiscal notes for bills and joint resolutions; required names and signatures. The other departments or agencies of the state government shall assist the department in the preparation of fiscal notes required by this article. Where appropriate, the commissioner shall seek the advice and assistance of local government officials or their representatives. The departments or agencies of state government assisting in the preparation of the fiscal note shall be clearly indicated on the fiscal note along with the signature of the commissioner or the commissioner's authorized representative indicating that the commissioner agrees with the fiscal impact estimated thereon.

(Ga. L. 1981, p. 1809, Sec. 6; Ga. L. 1995, p. 1189, Sec. .5.)

28-5-53. Revision of fiscal note where fiscal effect of bill or joint resolution changed by amendment; waiver of such revision; processing of revised fiscal note. (a) A fiscal note that is attached to a bill or joint resolution shall be revised by the commissioner at each successive

stage of the legislative process in which an amendment is adopted that changes the fiscal effect of the bill or joint resolution, unless this requirement is waived by the President of the Senate, by a majority vote of the Senate, by the Speaker of the House of Representatives, or by a majority vote of the House of Representatives. A revised fiscal note shall not be required for any amendment which either increases local revenues or decreases mandated expenditures.

(b) The revised fiscal note shall be processed by the commissioner and returned as quickly as possible to the committee or the Clerk of the House of Representatives or Secretary of the Senate if either the Clerk or the Secretary has the custody of the bill or joint resolution at that time.

(c) Except as otherwise provided by subsections (a) and (b) of this Code section, a waiver of a fiscal note shall be replaced at any time with a fiscal note if an amendment to a bill or joint resolution causes the bill or joint resolution to have an effect upon the revenues or expenditures of local political subdivisions.

(Ga. L. 1981, p. 1809, Secs. 7, 8; Ga. L. 1995, p. 1189, Sec.

28-5-54. Preservation of copies of fiscal notes and waivers; availability for public inspection; publication in journals for each house of the General Assembly. (a) A copy of each fiscal note or waiver of a fiscal note shall be retained by the commissioner and shall be reasonably available for public inspection for at least three years following its preparation. The fiscal note or waiver of a fiscal note shall be published in the journal of each house of the General Assembly.

(b) A fiscal note, upon being filed as provided in this article, shall be open to inspection by the general public as provided by Code Sections 50-18-70 through 50-18-72.

(Ga. L. 1981, p. 1809, Sec. 9; Ga. L. 1995, p. 1189, Sec. 5.)

28-5-56. Presumption as to compliance with this article. Nothing in this article shall be construed to require any degree of formality of proof of compliance with any requirement of this article, and any enrolled bill shall be conclusively presumed to have been enacted in compliance with the requirements of this article.

(Ga. L. 1981, p. 1809, Sec. 12; Ga. L. 1995, p. 1189, Sec. 5.)

28-5-60. Claims Advisory Board; creation; membership; representation of members by deputies or other designated employees. (a) There is created the Claims Advisory Board, hereinafter called the board, to be composed of the Secretary of State, who shall be the chairman, the commissioner of human resources, the commissioner of corrections, and the commissioner of transportation. Whenever the board takes any official action authorized under the law or duly promulgated rules and regulations, three of the members shall constitute a quorum; however, any of those individuals named above may be represented by a deputy or other designated employee; and any such action shall be valid if any two of the remaining three individuals are present during such action.

(b) The Claims Advisory Board is assigned to the Secretary of State for administrative purposes only as prescribed in Code Section 50-4-3.

(Ga. L. 1963, p. 624, Sec. 1; Ga. L. 1972, p. 1015, Sec. 1805; Ga. L. 1979, p. 797, Sec. 1; Ga. L. 1986, p. 155, Sec. 1.)

28-5-60.1. "The state or any of its departments or agencies" defined. As used in this article, the term "the state or any of its departments or agencies" includes any department, agency, bureau, or commission of state government but does not include state authorities or any county or municipal department, agency, bureau, commission, or authority.

(Code 1981, Sec. 28-5-60.1, as enacted by Ga. L. 1985, p. 900.)

28-5-61. Employment of secretarial, investigatorial, and other help. The chairman of the board is authorized to provide secretarial and other help necessary to administer this article and is also authorized to employ independent investigators if deemed necessary or advisable to assist the board. Such help and investigators shall be paid from funds appropriated to the office of the Secretary of State for this specific purpose.

(Ga. L. 1963, p. 624, Sec. 6.)

28-5-62. Unlawful compensation. (a) It shall be unlawful for any member of the Claims Advisory Board, any member of the General Assembly, or any state official or employee to receive any fee, money, gift, or any other thing of value, other than the regular compensation and allowances which he receives from state funds, in connection with any claim presented to the Claims Advisory Board.

(b) Any person who violates any provision of this Code section shall be guilty of a misdemeanor.

(Ga. L. 1965, p. 655, Sec. 1.)

28-5-63. Statement attached to checks issued for payment of claims. The check issued to any person, firm, association, or corporation as payment for any claim pursuant to this article shall have attached thereto the following statement:

"It shall be unlawful for any member of the Claims Advisory Board, any member of the General Assembly, or any state official or employee to receive any fee, money, gift, or any other thing of value, other than the regular compensation and allowances which he receives from state funds, in connection with any claim presented to the Claims Advisory Board."

(Ga. L. 1965, p. 655, Sec. 2.)

28-5-80. Introduction of compensation resolutions; general requirements as to filing of notice of claim. (a) Any resolution relative to a claim against the state or any of its departments or agencies must be introduced in the House of Representatives. No such resolution may be introduced unless a notice of claim has been filed with the board on or before the fifteenth day of November immediately preceding the introduction of the resolution, if the event giving rise to a claim

against the state occurred on or before the fifth day of November. If said event occurred subsequent to the fifth day of November, immediately preceding the introduction of the resolution a notice of claim shall be filed as provided for in this Code section within ten days after the occurrence of the event giving rise to the claim. No such resolution shall be introduced after the tenth day of any regular session.

(b) The board shall provide forms to be used in filing a notice of claim and shall make them available for such purpose. When the notice is filed, the board shall inform the person filing the notice, in writing, of the information it will require in order to take action on the claim. Such information may include accident reports, affidavits, statements, bills, receipts, letters, documents, and any other supporting material or data deemed necessary by the board. All such information must be filed with the board prior to the introduction of the resolution.

(Ga. L. 1963, p. 624, Sec. 2; Ga. L. 1965, p. 653, Sec. 1; Ga. L. 1974, p. 395, Sec. 1; Ga. L. 1987, p. 3, Sec. 28; Ga. L. 2000, p. 1243, Sec. 1.)

28-5-81. Notice of possibility of claims to be filed by state departments and agencies; effect of filing of notice and of failure to file notice. It shall be the duty of each state department and agency to file with the Claims Advisory Board a notice of possibility of claim covering any occurrence which would be the subject of a notice of claim as provided in Code Section 28-5-80. Such notice of possibility of claim shall be filed on forms provided by the Claims Advisory Board and furnished to each state department and agency upon request. It shall be the duty of each state department and agency to file a notice of possibility of claim within 30 days after the date of any such occurrence. If filed within the same time limitations provided relative to the filing of notices of claim as provided in Code Section 28-5-80, a notice of possibility of claim shall be sufficient for action to be taken thereon; and the fact that no notice of claim has been filed within the time provided shall not prevent the introduction of a resolution and action thereon as provided in this part.

(Ga. L. 1969, p. 824, Sec. 1.)

28-5-82. Claims Advisory Board hearings. Any resolution authorized by Code Section 28-5-80 shall be referred by the Speaker of the House to the Appropriations Committee of the House; and the Clerk of the House shall transmit a certified copy of the resolution to the chairman of the Claims Advisory Board not later than the day after its referral to the appropriations committee. Upon receipt of such copy, the chairman, after consultation with the other members of the board, shall set a time for acting on the claim and shall set a date for a hearing if a hearing is deemed necessary. In the event a hearing is to be held, the Representative introducing the bill shall be notified of the date, time, and place thereof. Such other persons as the board deems necessary shall likewise be notified. The Representative introducing the resolution shall be notified as to the action taken by the board on the claim and the recommendation made by the board to the appropriations committee. In the event the Representative is dissatisfied with the recommendation of the board and no hearing has been held, he shall be entitled to have the board set a hearing by so requesting the chairman in writing.

(Ga. L. 1963, p. 624, Sec. 3.)



28-5-83. Investigation of claims by the Claims Advisory Board; advisory recommendations. Upon receipt of a notice of claim, the board may begin its investigation thereof; or it may wait until the supporting information provided for in Code Section 28-5-80 has been furnished. After investigation of the claim by the board, after introduction of the resolution, and after a hearing thereon, if any, the board shall prepare a statement including its findings, its determination of the merits of the claim, its recommendation as to the payment thereof, and such other information as the board deems advisable. Such statement shall be immediately transmitted to the chairman of the House Appropriations Committee, who shall present the same to the full committee. The recommendations of the board shall be advisory in nature only and shall not be binding on the House of Representatives, the Senate, or any committee of either. The resolution shall be acted upon in the same manner as provided by law and the rules of the House and Senate for action upon bills.

(Ga. L. 1963, p. 624, Sec. 4.)

28-5-84. Restrictions on passage of resolutions and board powers. No resolution provided for in this part shall be passed without being presented to the board. The board is prohibited from considering any resolution unless notice of claim is filed within the time provided for in Code Section 28-5-80, unless the resolution is introduced within the time limitations specified in Code Section 28-5-80, and unless the information required by the board is filed within the time limitations specified in Code Section 28-5-80. The board shall make no recommendations after the fifteenth day of any regular session.

(Ga. L. 1963, p. 624, Sec. 5; Ga. L. 1965, p. 653, Sec. 2; Ga. L. 1974, p. 395, Sec. 2; Ga. L. 2000, p. 1243, Sec. 2.)

28-5-85. Payment of small claims by board. (a) When the total amount of a claim against the state is \$5,000.00 or less, and the claim is not of a type excluded from a recommendation for compensation by subsection (a) of Code Section 28-5-104, the Claims Advisory Board shall be authorized to direct the state department or agency affected by the claim to pay the claimant such amount, not exceeding \$5,000.00, as may be authorized by the Claims Advisory Board pursuant to the authority of this Code section.

(b) If a citizen has a claim against the state subject to the provisions of this Code section, such person may file such claim with the Claims Advisory Board. The Claims Advisory Board shall promulgate rules or regulations governing the submission of claims pursuant to this Code section. Such rules or regulations shall be adopted under the provisions of Chapter 13 of Title 50, known as the "Georgia Administrative Procedure Act."

(c) When a claim subject to this Code section is filed with the Claims Advisory Board, said board shall notify the department or agency of the state government affected by such claim of the basis for such claim, and such notice shall include any information submitted by the claimant in support of such claim. Within 45 days after receiving such notification, it shall be the duty of such state department or agency to submit a report to the Claims Advisory Board setting forth the findings of such state department or agency relative to such claim. Said report may make a recommendation to the Claims Advisory Board relative to the payment

of such claim, but such recommendation shall not be binding upon the Claims Advisory Board.

(d) After reviewing and considering all information submitted by a claimant in support of the claim against the state and the report of the state department or agency affected by such claim, the Claims Advisory Board shall make a determination either to pay or reject such claim against the state. The Claims Advisory Board shall not be bound by the total amount claimed against the state and may authorize the payment of a lesser amount. If the Claims Advisory Board determines that the claim against the state is justified and that the amount of such claim, or a portion thereof, should be paid, it shall issue its order to the chief executive or administrative officer of the state department or agency affected by such claim ordering such officer, within 30 days after receipt of such order, to pay the claimant the amount specified by the Claims Advisory Board in its order. A copy of such order shall be mailed to the claimant. If the Claims Advisory Board determines that the claim against the state should be rejected, it shall notify the claimant of such rejection, and such notice shall explain the reasons for such rejection. A copy of such notice to the claimant shall be sent to the state department or agency affected by the claim. The decision of the Claims Advisory Board shall be final.

(e) The Claims Advisory Board shall not authorize or direct the payment of any part of any claim under this Code section which is paid or payable by insurance.

(f) Any payment made to a claimant pursuant to the authority of this Code section shall be in full and complete settlement of any claim against the state arising from the same occurrence, and each claimant, as a condition precedent to receiving payment pursuant to this Code section, shall acknowledge and agree to the requirements of this subsection pursuant to regulations adopted by the Claims Advisory Board for such purpose.

(g) (1) The provisions of this Code section shall apply to any claim against the state in the amount of \$5,000.00 or less if the date of the occurrence giving rise to such claim was after July 1, 2000. After July 1, 2000, the General Assembly shall not consider any compensation resolution for a claim against the state if the amount of the claim is \$5,000.00 or less, and the provisions of this Code section shall be the exclusive method for making such claims against the state, except as provided in paragraph (2) of this subsection.

(2) If the claim against the state is timely filed with the Claims Advisory Board after July 1, 2000, for an occurrence which took place before July 1, 2000, and the amount of the claim is less than \$5,000.00 but more than \$500.00, the claimant shall have the option of seeking a compensation resolution from the General Assembly. All claims pending on July 1, 2000, or thereafter if such claim is based on an occurrence which took place before July 1, 2000, for \$500.00 or less shall be settled exclusively through the Claims Advisory Board.

(h) The General Assembly waives the immunity of the state for the purpose of authorizing the payment of claims against the state pursuant to the authority of this Code section.

(Code 1981, Sec. 28-5-85, enacted by Ga. L. 1982, p. 930, Sec. 1; Ga. L. 1984, p. 608, Sec. 1; Ga. L. 1993, p. 91, Sec. 28; Ga. L. 1999, p. 798, Sec. 1; Ga. L. 2000, p. 1243, Sec. 3.)

28-5-86. Time for filing notice of claim. No claim or resolution for the payment of compensation under this part shall be considered by the board or the General Assembly unless notice of claim has been filed with the board within two years after the date of the event giving rise to the claim.

(Code 1981, Sec. 28-5-86, enacted by Ga. L. 1984, p. 608, Sec.

28-5-100. Recommendations by board as to payment of compensation; procedural rules. (a) The Claims Advisory Board shall have authority to consider and make recommendations to the General Assembly concerning payment of compensation to innocent persons who sustain injury or property damage, or both, and to dependent heirs of innocent persons killed in attempting to prevent the commission of crime against the person of another or in aiding or attempting to aid officers of the law upon their request. In a particular case the board may appoint a special master to take testimony, supervise or conduct necessary investigations, and report to the board; but ultimate recommendation on any claim shall be made only by the board.

(b) The board shall provide by rules for proceedings before it; and such rules shall emphasize, to the greatest extent possible, informality of proceedings. No claimant shall be required to be represented or accompanied by an attorney.

(Ga. L. 1967, p. 712, Sec. 1.)

28-5-101. Procedure for claims for compensation. (a) Any person who is eligible for compensation under this part must give notice thereof in accordance with Part 2 of Article 4 of this chapter in order to have such claim brought before the General Assembly for action.

(b) Any such claimant shall also, prior to introduction of a resolution for compensation, submit all documents called for by the board, including reports from all physicians and surgeons who have treated or examined the victim and from hospitals that have admitted the victim in relation to the injury for which compensation is claimed at the time of or subsequent to the victim's injury or death. If, in the opinion of the board, reports on the previous medical history of the victim, examination of the injured victim and a report thereon, or a report on the cause of death of the victim by an impartial medical expert would be of material aid in making its recommendation, the board shall call for the claimant to produce such reports and submit to such examination.  
(Ga. L. 1967, p. 712, Sec. 2.)

28-5-102. Uniform standards for compensation. In making its recommendation, the board shall, insofar as practicable, formulate standards for uniform application in recommending compensation, taking into consideration rates and amounts of compensation payable for injuries or property damage and death under other laws of this state and of the United States.

(Ga. L. 1967, p. 712, Sec. 3.)

28-5-103. When compensation may be recommended; factors to be considered in making recommendations as to compensation. (a) In any case in which a person is injured or sustains property damage or is killed by an incident for which compensation is authorized by this part, the board may recommend to the General Assembly payment of compensation:

(1) To or for the benefit of the injured person;

(2) In the case of personal injury of the victim, to any person responsible for the maintenance of the victim who has suffered pecuniary loss or incurred expenses as a result of such injury;

(3) In the case of death of the victim, to or for the benefit of any one or more of the heirs at law of the victim, who at the time of the victim's demise were dependent upon him for over half of their support; or

(4) To or for the benefit of the owner of the damaged property.

(b) In making its recommendation to the General Assembly, the board shall:

(1) Consider a person to have intended an act, notwithstanding that by reason of age, insanity, drunkenness, or otherwise, he was legally incapable of forming a criminal intent;

(2) Consider all circumstances surrounding the claim, including, but not limited to, provocation, consent, or any other behavior of the victim which directly or indirectly contributed to his injury or death; the prior case or social history, if any, of the victim or claimant; any need for financial aid present; and any other relevant matters; and

(3) Take into consideration any amounts received or receivable from any other source or sources by the victim or his dependents as a result of the incident or offense giving rise to the claim.

(c) Claims and recommendations may be made under this Code section regardless of whether or not any person is prosecuted or convicted of any offense arising out of such act.

(Ga. L. 1967, p. 712, Sec. 4.)

28-5-104. When award of compensation not to be recommended generally; limitations on amounts; action by General Assembly upon recommendations. (a) In no event shall the board recommend that compensation be awarded to:

(1) Any victim of a criminal act not provided for in Code Section 28-5-100;

(2) Anyone who:

(A) Is a spouse, parent, grandparent, child (natural or adopted), grandchild, brother, sister, half brother, half sister, or parent of the spouse of the offender;

(B) Was, at the time of the personal injury or death of the victim, living with the offender as a member of his or her family or household or maintaining a sexual relationship, whether illicit or not, with such person or with any member of the family of such person;

(C) Violated a penal law of this state which violation caused or contributed to his or her injuries or death; or

(D) Was injured as a result of the operation of a motor vehicle, boat, or airplane, unless the same was used as a weapon in a deliberate attempt to run the victim down;

(3) Any officer of the law injured in the performance of his or her official duties; or

(4) Any person who is or was at the time of the alleged loss an inmate in the custody of the Department of Cor:

(b) No compensation shall be recommended by the board in an amount exceeding \$5,000.00 per claim.

(c) The board shall, in an advisory way only, recommend to the General Assembly payment of compensation and the amount thereof; and the General Assembly shall act on such recommendation in accordance with law and the rules of the House and Senate for action upon such res:

(Ga. L. 1967, p. 712, Secs. 5, 7; Ga. L. 1999, p. 798, Sec. 2.

28-5-105. Scope of compensation. The General Assembly may by resolution appropriate money for payment of a claim for compensation upon the recommendation of the board for:

(1) Expenses actually and reasonably incurred as a result of the personal injury or death of the victim; ;

(2) Loss of earning power as a result of total or partial incapacity of such victim.

(Ga. L. 1967, p. 712, Sec. 6.)

28-5-106. Limitations on claims. No resolution for the payment of compensation under this part shall be adopted unless notice of claim has been filed with the board within 18 months after the date of the personal injury or death, the claim is otherwise presented in accordance with law, and the personal injury or death was the result of an incident or offense for which compensation is authorized by this part and which had been reported to an officer of the law within five days of its occurrence or, if the incident or offense could not reasonably have been reported within such period, within five days of the time when a report could reasonably have been made.

(Ga. L. 1967, p. 712, Sec. 7.)

28-5-107. Reports on claims transmitted to the General Assembly. The board shall prepare and transmit to the General Assembly, along with its recommendation on each claim, a report of its activities

in connection therewith, including the name of the claimant, a brief description of the facts surrounding the claim, the amount of compensation recommended, and the board's reasons therefor.

(Ga. L. 1967, p. 712, Sec. 8.)

28-5-108. Subrogation of state to claims of persons compensated; damage actions against persons responsible for injuries or death. Whenever an order for the payment of indemnification for personal injury or death or for damages to property is or has been made under this part, the State of Georgia shall, upon payment of the amount of the order, be subrogated to the cause of action of the person receiving indemnification under the order against the person or persons responsible for the injury or death or damages to property; and the Attorney General shall be authorized to bring an action against such person or persons for the amount of the damages sustained by the applicant. If an amount greater than that paid pursuant to the order for payment of indemnification is recovered and collected in any such action, the state, after deducting the expenses incurred, shall pay the balance to the person receiving indemnification under the order.

(Ga. L. 1967, p. 712, Sec. 9.)

28-5-120 through 28-5-127. "Fair and Open Grants Act of 1993." This article regulates the awarding of grants.

28-6-1. Creation of Senate, House, and Governor's Committees on Interstate Cooperation; membership. (a) There is established a standing committee of the Senate of this state to be known officially as the Senate Committee on Interstate Cooperation and to consist of five Senators. The members and the chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the Senate. In addition to the regular members, the President of the Senate shall be ex officio an honorary nonvoting member of this committee.

(b) There is established a standing committee of the House of Representatives of this state to be known officially as the House Committee on Interstate Cooperation and to consist of five members of the House of Representatives. The members and the chairman of this committee shall be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the House of Representatives. In addition to the regular members, the Speaker of the House of Representatives shall be ex officio an honorary nonvoting member of this committee.

(c) There is established a committee of administrative officials and employees of this state to be known officially as the Governor's Committee on Interstate Cooperation and to consist of five members. Its members shall be: the Commissioner of Insurance, ex officio; the Secretary of State, ex officio; and three other administrative officials or employees to be designated by the Governor none of whom shall be the Attorney General. The Governor shall appoint one of the five members of this committee as its chairman. In addition to the regular members, the Governor shall be ex officio an honorary nonvoting member of this committee.

(Ga. L. 1937, p. 708, Secs. 1-3; Ga. L. 1986, p. 855, Sec. 11; Ga. L. 1988, p. 426, Sec. 1.)

28-6-2. Creation of Georgia Commission on Interstate Cooperation; membership. (a) There is established the Georgia Commission on Interstate Cooperation. The commission shall be composed of 15 regular members:

(1) The five members of the Senate Committee on Interstate Cooperation;

(2) The five members of the House Committee on Interstate Cooperation; and

(3) The five members of the Governor's Committee on Interstate Cooperation.

(b) The Governor, the President of the Senate, and the Speaker of the House of Representatives shall be ex officio honorary nonvoting members of this commission. The chairman of the Governor's Committee on Interstate Cooperation shall be ex officio chairman of this commission. (Ga. L. 1937, p. 708, Sec. 4.)

28-6-3. Functions of commission. It shall be the function of the commission to:

(1) Carry forward the participation of this state as a member of the Council of State Governments;

(2) Encourage and assist the legislative, executive, administrative, and judicial officials and employees of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise with officials and employees of the other states, of the federal government, and of local units of government;

(3) Endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for and by facilitating:

(A) The adoption of compacts;

(B) The enactment of uniform or reciprocal statutes;

(C) The adoption of uniform or reciprocal administrative rules and regulations;

(D) The informal cooperation of governmental offices with one another;

(E) The personal cooperation of governmental officials and employees with one another;

(F) The interchange and clearance of research and information; and

(G) Any other suitable process; and

(4) Do all such acts as will, in the opinion of the commission, enable this state to do its part or more in forming

a more perfect union among the various governments in the United States and in developing the Council of State Governments for that purpose.

(Ga. L. 1937, p. 708, Sec. 6.)

28-6-4. Establishment of delegations, committees, and advisory boards by commission. (a) The commission shall establish such delegations and committees as it deems advisable in order that they may confer and formulate proposals concerning effective means to secure intergovernmental harmony and may perform other functions for the commission pursuant to its decisions. Subject to the approval of the commission, the member or members of each delegation or committee shall be appointed by the chairman of the commission. State officials or employees who are not members of the Commission on Interstate Cooperation may be appointed as members of any delegation or committee, but private citizens holding no governmental position in this state shall not be eligible. The commission may provide such other rules as it considers appropriate concerning the membership and the functioning of any delegation or committee.

(b) The commission may provide for advisory boards for itself and for its various delegations and committees and may authorize private citizens to serve on such boards.

(Ga. L. 1937, p. 708, Sec. 7.)

28-6-5. Reports by commission; compensation of members of commission, delegations, and committees. The commission shall report to the Governor and to the General Assembly within 15 days after the convening of each regular legislative session and at such other times as it deems appropriate. Its members and the members of all delegations and committees which it establishes shall serve without compensation for such service.

(Ga. L. 1937, p. 708, Sec. 8.)

28-6-6. Informal names of committees and commission. The committees and the commission established by this chapter shall be informally known, respectively, as the Senate Cooperation Committee, the House Cooperation Committee, the Governor's Cooperation Committee, and the Georgia Cooperation Commission.

(Ga. L. 1937, p. 708, Sec. 9.)

28-6-7. Council of State Governments declared joint governmental agency. The Council of State Governments is declared to be a joint governmental agency of this state and of the other states which cooperate through it.

(Ga. L. 1937, p. 708, Sec. 10.)

28-7-3. Contingent compensation for lobbyists. No person, firm, corporation, or association shall retain or employ an attorney at law or an agent to aid or oppose legislation for compensation contingent, in whole or in part, upon the passage or defeat of any legislative measure. No attorney at law or agent shall be employed to aid or oppose legislation for compensation contingent, in whole or in part, upon the passage or defeat of any legislation.



(Ga. L. 1911, p. 151, Sec. 2; Code 1933, Sec. 47-1003; Ga. L. 1992, p. 1075, Sec. 18.)

28-7-4. Presence of certain persons on floor of House or Senate for purpose of privately discussing pending measures. It shall be unlawful for any person registered pursuant to the requirements of Article 4 of Chapter 5 of Title 21 or for any other person, except as authorized by the rules of the House or Senate, to be on the floor of either house of the General Assembly while the same is in session to discuss privately measures then pending in the General Assembly.

(Ga. L. 1911, p. 151, Sec. 4; Code 1933, Sec. 47-1004; Ga. L. 1970, p. 695, Sec. 2; Ga. L. 1992, p. 1075, Sec. 18.)

28-7-5. Penalty for violation of Code Sections 28-7-2 through 28-7-4. Any person failing to comply with or violating any of the provisions of Code Sections 28-7-3 or 28-7-4 shall be guilty of a misdemeanor.

(Ga. L. 1911, p. 151, Sec. 5; Code 1933, Sec. 47-1005; Ga. L. 1970, p. 695, Sec. 3; Ga. L. 1992, p. 1075, Sec. 18.)

28-8-1. Creation; membership, term of office, and vacancies; meetings; election of officers; expenses. (a) There is created as a part of the legislative branch of government the Georgia Criminal Justice Improvement Council, to be composed of 14 members as follows:

- (1) The President of the Senate;
- (2) The Speaker of the House of Representative;
- (3) The chairmen of the Judiciary, Special Judiciary, Public Safety, and Corrections, Correctional Institutions and Property committees of the Senate;
- (4) The chairmen of the Judiciary, Special Judiciary, Public Safety, and State Institutions and Property committees of the House of Representatives;
- (5) Two members of the Senate, to be appointed by the President of the Senate; and
- (6) Two members of the House of Representatives, to be appointed by the Speaker of the House of Representative;

The members shall serve for the terms for which they are elected as members of the General Assembly, and any vacancy occurring during such term shall be filled by appointment of the President, in case of Senators, and by appointment of the Speaker, in case of Representatives. Any member shall be eligible for reappointment in the event he continues to be a member of the General Assembly.

(b) The President of the Senate and the Speaker of the House of Representatives shall fix the time, date, and place of the first meeting, which shall be held during the month of July, 1981. At that meeting the council shall elect a chairman and such other officers as it deems advisable. The council shall perfect its own organization, including the establishment of a quorum for the transaction of business. Thereafter, the council shall meet upon the call of the chairman and under such other

procedures as the council shall decide. The President of the Senate and the Speaker of the House of Representatives shall fix a time, date, and place of a meeting during the first 30 days of the legislative session in each odd-numbered year, at which time a chairman and such other officers as the council deems advisable shall be elected.

(c) The members of the council shall receive no compensation for their services but shall receive the expenses and allowances provided by law for members of interim legislative committees for attending meetings of the council when the General Assembly is not in session.

(Ga. L. 1981, p. 819, Sec. 1; Ga. L. 1984, p. 431, Sec. 1; Ga. L. 1985, p. 283, Sec. 1; Ga. L. 1988, p. 13, Sec. 28; Ga. L. 1995, p. 10, Sec. 28.)

28-8-2. Duties. The council shall conduct a continuing study of the criminal justice field, with particular emphasis on the long-range criminal justice needs of the state. It shall develop criminal justice legislative proposals and is authorized to issue reports and assimilate information concerning its studies, its findings, and its recommendations. The council shall cooperate with departments, agencies, and instrumentalities of the state government and its political subdivisions and all such departments, agencies, and instrumentalities shall cooperate with the council.

(Ga. L. 1981, p. 819, Sec. 2.)

28-8-3. Funding of chapter. The funds necessary to carry out this chapter shall come from the funds of the legislative branch of government.

(Ga. L. 1981, p. 819, Sec. 3.)

28-9-1. Definitions. As used in this chapter, the te:

(1) "Code" means the Official Code of Georgia Annotated, any unannotated version thereof, or any codification of the laws of the State of Georgia which is a successor to or replacement of such Code, and such term shall include all statutory provisions, annotations, research references, notes, indexes, tables, constitutions, cross-references, pocket parts, and other material related to or included in such Code.

(2) "Commission" means the Code Revision Commission originally created pursuant to H.R. No. 217-838 adopted by the General Assembly at the 1977 regular session, as amended, and as re-created by Code Section 28-9-2.

(Code 1981, Sec. 28-9-1, enacted by Ga. L. 1985, p. 197, Sec.

28-9-2. Creation of the Code Revision Commission; membership, term of office, and vacancies; expenses and allowances; ratification of previous actions and contracts. (a) There is created the Code Revision Commission, to be composed of 15 members as follows:

(1) The Speaker of the House of Representative

(2) Four members of the House of Representatives to be appointed by the Speaker of the House of Representatives for

terms of office coinciding with their terms as members of the House of Representatives;

(3) The President of the Senate;

(4) Four members of the Senate to be appointed by the President of the Senate for terms of office coinciding with their terms as members of the Senate; and

(5) Five members of the State Bar of Georgia to be appointed by the president of the State Bar of Georgia for terms of office of one year each and until their successors are appointed, with such terms beginning on the second Monday of January of each year, provided that one such member shall be a judge or senior judge of the superior courts and one such member shall be a district attorney. Notwithstanding any other provision of law, the president of the State Bar of Georgia is authorized to appoint an official or employee of any branch of the state government, a county, municipality, board of education, or other political subdivision if such person is a member of the State Bar of Georgia; and any person so appointed is authorized to serve as a member of the Code Revision Commission.

(b) Any vacancy occurring in the membership of the commission, whether by the death, resignation, or failure of a member to hold office or membership in the State Bar of Georgia, shall be filled by appointment in the same manner as the appointment of the member whose seat is vacant. A person appointed to fill a vacancy shall be appointed for the remainder of the unexpired term.

(c) While engaged in the duties of the commission, all members shall receive the expenses and allowances authorized by law for legislative members of interim legislative committees. The judge or senior judge of the superior courts, the district attorney, and any member of the State Bar of Georgia who is also an official or employee of the executive or judicial branch of state government shall receive such expenses and allowances from state funds from which they are otherwise compensated. Any other funds necessary to carry out the provisions of this chapter and any contract executed pursuant to this chapter or any prior resolution of the General Assembly shall come from the funds provided for the legislative branch of state government.

(d) The members of the Code Revision Commission created pursuant to H.R. No. 217-838 adopted by the General Assembly at the 1977 regular session and as amended by H.R. No. 447-1274 adopted by the General Assembly at the 1978 regular session who are serving as members of the commission on April 1, 1985, shall continue in office as members until the second Monday in January, 1987, in the case of legislative members or until the second Monday in January, 1986, in the case of members appointed by the president of the State Bar of Georgia, at which time their terms shall expire and their successors shall be appointed as provided in subsection (a) of this Code section. All actions taken by such commission and all contracts entered into by such commission are ratified and confirmed. The commission created by this Code section shall be deemed to be a continuation of the commission created pursuant to such resolutions.

(Code 1981, Sec. 28-9-2, enacted by Ga. L. 1985, p. 197, Sec.

28-9-3. Powers and duties of commission generally. The commission is authorized:

(1) To select and contract with a publisher to conduct a revision, codification, or recodification of the Code and laws of Georgia, provided that any such contract requiring the expenditure of state funds shall be contingent upon the General Assembly appropriating the necessary funds therefor;

(2) To formulate with the publisher all the details associated with the codification or recodification of the Code and laws of Georgia;

(3) To take such action as is necessary to effectuate Code revision;

(4) To carry out the functions required of it in any contract entered into between the commission and the publisher;

(5) To negotiate and establish the price at which the Code or any volume, replacement volume, pocket part, index, or related material may be sold to governmental or private purchasers, or both;

(6) To determine when volumes of the Code may be revised and republished;

(7) To adopt and implement a system for arranging, numbering, and designating material within the Code;

(8) To adopt rules of style and grammar for use in the Code;

(9) To prepare, or provide for the preparation of, and to include in the Code such annotations, historical notes, research references, notes on law review articles, cross-references, summaries of the opinions of the Attorney General of Georgia, editor's notes, Code Revision Commission notes, comments, commentaries, rules and regulations, indexes, tables, and other material as the commission determines to be useful to users of the Code;

(10) To provide for the publication of annotated or unannotated versions of the Code, or both;

(11) To provide for the publication of volumes containing the Constitution of the United States, the Constitution of the State of Georgia, and an index of local and special laws, general laws of local application, and home rule ordinances;

(12) To review, approve, or disapprove the work of the publisher in preparing, supplementing, indexing, or revising the Code or any volume, pocket part, or portion thereof;

(13) To grant exclusive or nonexclusive publication and sales rights to the Code or portions thereof to the publisher;

(14) To grant rights to governmental agencies and others to reprint and distribute portions or excerpts of the Code;

(15) To register the copyright claim in all materials in the Code and any supplements thereto, to protect, enforce, and preserve all claims in such materials, to bring and defend actions in any court in connection therewith, and to negotiate and grant licenses or rights, on behalf of the state, to use such material upon such terms and conditions as the commission shall determine to be in the best interest of the state;

(16) To seek the advice and assistance of members and committees of the State Bar of Georgia, the law schools of the state, the Attorney General or members of his staff, state and local public officials and employees, and others with expertise or interest in the laws of Georgia;

(17) To provide for the preparation and introduction of one or more bills to revise, modernize, and correct errors or omissions in the Code or the laws of Georgia or to repeal portions of the Code or laws which have become obsolete, have been declared to be unconstitutional, or have been preempted or superseded by subsequent state or federal laws;

(18) To provide for procedures for the implementation or execution of its powers and duties; and

(19) To take such other action or exercise such additional powers as may be necessary or convenient to carry out the purposes of this chapter, the duties and powers of the commission, or any contract entered into under this chapter.

(Code 1981, Sec. 28-9-3, enacted by Ga. L. 1985, p. 197, Sec.

28-9-4. Commission staff. The Office of Legislative Counsel shall serve as staff for the commission.

(Code 1981, Sec. 28-9-4, enacted by Ga. L. 1985, p. 197, Sec.

28-9-5. Publication of Official Code of Georgia Annotated; authority to make corrections and editorial changes; authority to introduce legislation; effect of corrections and changes. (a) The Code Revision Commission shall provide for the publication of the Official Code of Georgia Annotated and any pocket parts, supplements, revised volumes, or recodifications thereof. In compiling, editing, arranging, and preparing the Acts and resolutions of the General Assembly for such publication and without altering the sense, meaning, or effect of such Acts and resolutions, the commission is authorized to:

(1) Correct the spelling of words;

(2) Change capitalization for the purpose of uniformity;

(3) Correct manifest typographical and grammatical errors;

(4) Substitute the proper Code section number, chapter number, or other number or designation for the terms "this Act," "the preceding Code section," and similar words or phrases.

(5) Renumber, redesignate, and rearrange chapters, articles, parts, subparts, Code sections, or any combination or portion thereof;

(6) Change cross-reference numbers to agree with renumbered chapters, Code sections, or portions of the

(7) Substitute the proper calendar date for "the effective date of this chapter" and other phrases of similar import;

(8) Strike out figures if they are merely a repetition of written words or vice versa, or substitute figures for written words or vice versa for the purpose of uniformity;

(9) Correct manifest errors in references to l.

(10) Correct inaccurate references to the titles of officers, the names of departments or other agencies of the state, local governments, or the federal government, and the short titles of other laws and make such other name changes as are necessary to be consistent with the laws currently in effect;

(11) Rearrange definitions in alphabetical order;

(12) Insert or delete hyphens in words so as to follow correct grammatical usage;

(13) Change numerals or symbols to words or vice versa for purposes of uniformity and style;

(14) Change nouns from the singular to the plural or vice versa for purposes of style and grammar; and

(15) Change punctuation for purposes of uniformity and consistency of style.

(b) The Code Revision Commission shall prepare and have introduced at each regular session of the General Assembly one or more bills to reenact and make corrections in the Official Code of Georgia Annotated, portions thereof, and the laws as contained in the Code and any pocket part, supplements, and revised volumes thereof.

(c) Any change or correction made by the Code Revision Commission pursuant to its authority under subsection (a) of this Code section shall not become the law of the State of Georgia if such change or correction results in an alteration of the meaning, sense, or effect of the Acts and resolutions of the General Assembly, even though such change or correction may have been included in a pocket part, supplement, or revised volume of the Official Code of Georgia Annotated which has been reenacted by a bill authorized by subsection (b) of this Code section.

(Code 1981, Sec. 28-9-5, enacted by Ga. L. 1985, p. 202, Sec. 1; Ga. L. 1986, p. 10, Sec. 28.)

28-10-1. Creation of the Georgia Rail Passenger Authority Overview Committee; membership; term of office; officers. (a) The Georgia Rail Passenger Authority Overview Committee is created. The committee shall consist of five members of the House of Representatives appointed by the

Speaker of the House and five members of the Senate appointed by the President of the Senate. The members shall serve for terms as members of the committee concurrent with their terms of office as members of the General Assembly. Members of the committee shall be appointed during the first 30 days of each regular legislative session which is held immediately following the election of members of the General Assembly; provided, however, that an appointment to fill any vacancy on the committee may be made at any time.

(b) The Speaker of the House of Representatives shall designate one of the members appointed by the Speaker as chairman of the committee. The President of the Senate shall designate one of the members appointed by the President of the Senate as vice-chairman of the committee. The members designated as chairman and vice-chairman shall serve for terms as such officers concurrent with their terms as members of the committee. Other than the chairman and vice-chairman provided for in this subsection, the committee shall provide for its own organization.

(Code 1981, Sec. 28-10-1, enacted by Ga. L. 1985, p. 1283, Sec. 2; Ga. L. 2000, p. 1180, Sec. 1.)

28-10-2. Duties of committee. The committee shall periodically inquire into and review the operations, contracts, safety, financing, organization, and structure of the Georgia Rail Passenger Authority, as well as periodically review and evaluate the success with which said authority is accomplishing its legislatively created purposes.

(Code 1981, Sec. 28-10-2, enacted by Ga. L. 1985, p. 1283, Sec.

28-10-3. Availability of services of state auditor and Attorney General; committee employees; employment of professional services. The state auditor and the Attorney General shall make available to the committee the services of their staff, facilities, and powers in order to assist the committee in the discharge of its duties. The committee may employ staff and secure the services of independent accountants, engineers, and consultants, provided that both the employment and the amount of compensation to be received by such personnel is authorized by a joint resolution of the General Assembly. Upon authorization by joint resolution of the General Assembly, the committee shall have the power to compel the attendance of witnesses and the production of documents in aid of its duties.

(Code 1981, Sec. 28-10-3, enacted by Ga. L. 1985, p. 1283, Sec.

28-10-4. Cooperation of Georgia Rail Passenger Authority; committee reports. The Georgia Rail Passenger Authority shall cooperate with the committee, its authorized personnel, the Attorney General, and the state auditor in order that the committee may efficiently and effectively carry out its duties. The Georgia Rail Passenger Authority shall submit to the committee such reports and data as the committee shall reasonably require of said authority in order that the committee may adequately inform itself of the activities of said authority. The committee shall, on or before the first day of January of each year, and at such other times as it deems to be in the public interest, submit to the General Assembly a report of its findings and recommendations based upon the review of the operations of the Georgia Rail Passenger Authority.

(Code 1981, Sec. 28-10-4, enacted by Ga. L. 1985, p. 1283, Sec.

28-10-5. Criteria for committee evaluation of Georgia Rail Passenger Authority. In the discharge of its duties, the committee shall evaluate the performance of the Georgia Rail Passenger Authority in providing rail passenger service consistent with the following criteria:

- (1) Public safety;
- (2) Prudent, legal, and accountable expenditure of public funds;
- (3) Responsiveness to the needs for rail passenger services;
- (4) Economic vitality of the rail passenger system and economic benefits to the state;
- (5) Efficient operation; and
- (6) Impact on the environment.

(Code 1981, Sec. 28-10-5, enacted by Ga. L. 1985, p. 1283, Sec.

28-10-6. Expenses and allowances for committee members. The members of the committee shall receive the same expenses and allowances for their services on the committee as are authorized by law for members of interim legislative study committees.

(Code 1981, Sec. 28-10-6, enacted by Ga. L. 1985, p. 1283, Sec.

28-10-7. Effect of chapter on responsibilities of the Georgia Rail Passenger Authority. Nothing in this chapter shall be construed to relieve the Georgia Rail Passenger Authority of the responsibilities imposed upon it under Article 9 of Chapter 9 of Title 46.

(Code 1981, Sec. 28-10-7, enacted by Ga. L. 1985, p. 1283, Sec. 2; Ga. L. 1993, p. 91, Sec. 28.)

28-11-1. Short title. This chapter shall be known and may be cited as the "Ethics and Efficiency in Government Act."

(Code 1981, Sec. 28-11-1, enacted by Ga. L. 1998, p. 874, Sec.

28-11-2. Legislative findings. The General Assembly finds and declares that it is in the fundamental interests of the citizens of Georgia and of the legislature as an equal branch of state government to foster the knowledge, professionalism, and standards of its me

(Code 1981, Sec. 28-11-2, enacted by Ga. L. 1998, p. 874, Sec.

28-11-3. Definitions. As used in this chapter, the t

- (1) "Board" means the board of the Georgia General Assembly Training Institute.
- (2) "Institute" means the Georgia General Assembly Training Institute.



(3) "Member of the General Assembly" means either an incumbent member or member-elect of the House of Representatives or Senate.

(4) "Vinson Institute" means the Carl Vinson Institute of Government of the University of Georgia.

(Code 1981, Sec. 28-11-3, enacted by Ga. L. 1998, p. 874, Sec.

28-11-4. Availability of instructional classes and courses; payment of and reimbursement of expenses. (a) All members of the General Assembly shall be authorized and encouraged to attend and complete a series of instructional classes or courses relating to the organization and operation of state government in general, and the role and powers of the General Assembly in particular. Such courses or classes shall include, but not be limited to, such general topics as the Georgia Constitution, the role of each branch of state government, the organization of state government, the role of state government in the U.S. federal system, the relationship of state and local government, sources of state and local revenue, and the state budgeting process. Additionally, such courses or classes shall include, but not be limited to, topics specifically related to the General Assembly, such as constitutional and statutory law, bill drafting, the legislative process, committee operations, parliamentary rules of procedure, the appropriation process, legislative customs and traditions, duties and responsibilities of members, ethics and rules of conduct, legislative oversight of the executive branch, local legislation, constituent service, legislative use of computers, the Internet, distance learning, public policy issues on the legislative agenda, and such other matters as deemed necessary and appropriate by the board.

(b) All expenses incurred by an incumbent member of the General Assembly related to the course of training and education authorized by subsection (a) of this Code section, including the reasonable costs of housing, travel, meals, instructors, and instructional materials, may be paid from state funds appropriated to the legislative branch for such purposes or from other such funds as become available. In addition, all such expenses shall constitute ordinary and necessary expenses for purposes of subsection (a) of Code Section 21-5-33 and may be reimbursed to members-elect of the General Assembly from campaign contri

(Code 1981, Sec. 28-11-4, enacted by Ga. L. 1998, p. 874, Sec.

28-11-5. Georgia General Assembly Training Institute. (a) There is created and established in the legislative branch of government the Georgia General Assembly Training Institute. All costs of operating and conducting the institute shall be paid for from state funds appropriated for such purposes or from other such funds as become available

(b) With professional staff assistance from the Vinson Institute, the board shall have the power, duty, and authority to design, implement, and administer the course of training and education authorized by Code Section 28-11-4.

(c) The courses of training and education authorized by Code Section 28-11-4 shall be conducted by the institute under such rules, regulations, procedures, policies, requirements, and standards as prescribed from time to time by the board. The initial course each biennium shall be the current Biennial Institute for Georgia Legislators

at the University of Georgia's Center for Continuing Education in Athens. Participation in the Biennial Institute shall be required to participate in other courses conducted by the institute, except as provided in subsection (d) of this Code section.

(d) The board shall establish guidelines and procedures to permit any member of the General Assembly who is unable to attend or complete one or more of the courses of training and education offered by the institute due to medical disability, providential cause, or any other reason deemed sufficient by the board to participate in the remaining courses of education and training provided for under Code Section 28-11-4 for the biennium.

(e) The board shall perform such other duties and have such other powers and authority as may be necessary and proper or as prescribed by general law.

(Code 1981, Sec. 28-11-5, enacted by Ga. L. 1998, p. 874, Sec.

28-11-6. Supervision of Georgia General Assembly Training Institute. (a) The institute shall be under the direction and supervision of the board of the Georgia General Assembly Training Institute. The board shall have the power and duty to organize and advise the institute so that the institute is operated in accordance with the provisions of this chapter.

(b) The board shall consist of seven members and shall be composed of six members appointed by the Legislative Services Committee and the director of the Vinson Institute who shall serve as an ex officio, nonvoting member. In appointing members of the board, the Legislative Services Committee shall select three members from each house and shall attempt to broadly reflect the composition of the General Asse

(Code 1981, Sec. 28-11-6, enacted by Ga. L. 1998, p. 874, Sec.

28-11-7. Authority of board to make contracts, leases, or agreements. The board is authorized to make such contracts, leases, or agreements as may be necessary and convenient to carry out the duties and purposes for which the board is created. The board is authorized to enter into contracts, leases, or agreements with any person, firm, corporation, agency, or educational institution upon such terms and for such purposes as may be deemed advisable by the board.

(Code 1981, Sec. 28-11-7, enacted by Ga. L. 1998, p. 874, Sec.

28-11-8. Report on accomplishments of institute. On or before February 1 of each year, the board shall file a report to the members of the Legislative Services Committee. The report shall include a summary of the accomplishments of the institute during the preceding calendar year, including, but not limited to, the total number of members of the General Assembly who attended the course of training and education offered by the institute; an outline of the institute's programs for the current calendar year; an evaluation of the programs and services offered by the institute; and recommendations, if any, for legislation as may be necessary to improve the programs and services offered by the institute.

(Code 1981, Sec. 28-11-8, enacted by Ga. L. 1998, p. 874, Sec.

31-6-21.1. Procedures for rule making by Department of Community Health. (a) Rules of the department shall be adopted, promulgated, and implemented as provided in this Code section and in Chapter 13 of Title 50, the "Georgia Administrative Procedure Act," except that the department shall not be required to comply with subsections (c) through (g) of Code Section 50-13-4.

(b) The department shall transmit three copies of the notice provided for in paragraph (1) of subsection (a) of Code Section 50-13-4 to the legislative counsel. The copies shall be transmitted at least 30 days prior to that department's intended action. Within five days after receipt of the copies, if possible, the legislative counsel shall furnish the presiding officer of each house with a copy of the notice and mail a copy of the notice to each member of the Health and Human Services Committee of the Senate and each member of the Health and Ecology Committee of the House of Representatives. Each such rule and any part thereof shall be subject to the making of an objection by either such committee. Any rule or part thereof to which no objection is made by both such committees may become adopted by the department at the end of such 30 day period. The department may not adopt any such rule or part thereof which has been changed since having been submitted to those committees unless:

(1) That change is to correct only typographical errors;

(2) That change is approved in writing by both committees and that approval expressly exempts that change from being subject to the public notice and hearing requirements of subsection (a) of Code Section 50-13-4;

(3) That change is approved in writing by both committees and is again subject to the public notice and hearing requirements of subsection (a) of Code Section 50-13-4

(4) That change is again subject to the public notice and hearing requirements of subsection (a) of Code Section 50-13-4 and the change is submitted and again subject to committee objection as provided in this subsection.

Nothing in this subsection shall prohibit the department from adopting any rule or part thereof without adopting all of the rules submitted to the committees if the rule or part so adopted has not been changed since having been submitted to the committees and objection thereto was not made by both committees.

(c) Any rule or part thereof to which an objection is made by both committees within the 30 day objection period under subsection (b) of this Code section shall not be adopted by the department and shall be invalid if so adopted. A rule or part thereof thus prohibited from being adopted shall be deemed to have been withdrawn by the department unless the department, within the first 15 days of the next regular session of the General Assembly, transmits written notification to each member of the objecting committees that the department does not intend to withdraw that rule or part thereof but intends to adopt the specified rule or part effective the day following adjournment sine die of that regular session. A resolution objecting to such intended adoption may be introduced in either branch of the General Assembly after the fifteenth day but before the thirtieth day of the session in which occurs the notification of intent not to withdraw a rule or part thereof. In the event the resolution

is adopted by the branch of the General Assembly in which the resolution was introduced, it shall be immediately transmitted to the other branch of the General Assembly. It shall be the duty of the presiding officer of the other branch to have that branch, within five days after receipt of the resolution, consider the resolution for purposes of objecting to the intended adoption of the rule or part thereof. Upon such resolution being adopted by two-thirds of the vote of each branch of the General Assembly, the rule or part thereof objected to in that resolution shall be disapproved and not adopted by the department. If the resolution is adopted by a majority but by less than two-thirds of the vote of each such branch, the resolution shall be submitted to the Governor for his approval or veto. In the event of his veto, or if no resolution is introduced objecting to the rule, or if the resolution introduced is not approved by at least a majority of the vote of each such branch, the rule shall automatically become adopted the day following adjournment sine die of that regular session. In the event of the Governor's approval of the resolution, the rule shall be disapproved and not adopted by the department.

(d) Any rule or part thereof which is objected to by only one committee under subsection (b) of this Code section and which is adopted by the department may be considered by the branch of the General Assembly whose committee objected to its adoption by the introduction of a resolution for the purpose of overriding the rule at any time within the first 30 days of the next regular session of the General Assembly. It shall be the duty of the department in adopting a proposed rule over such objection so to notify the chairmen of the Health and Human Services Committee of the Senate and the Health and Ecology Committee of the House within ten days after the adoption of the rule. In the event the resolution is adopted by such branch of the General Assembly, it shall be immediately transmitted to the other branch of the General Assembly. It shall be the duty of the presiding officer of the other branch of the General Assembly to have such branch, within five days after the receipt of the resolution, consider the resolution for the purpose of overriding the rule. In the event the resolution is adopted by two-thirds of the votes of each branch of the General Assembly, the rule shall be void on the day after the adoption of the resolution by the second branch of the General Assembly. In the event the resolution is ratified by a majority but by less than two-thirds of the votes of either branch, the resolution shall be submitted to the Governor for his approval or veto. In the event of his veto, the rule shall remain in effect. In the event of his approval, the rule shall be void on the day after the date of his approval.

(e) Except for emergency rules, no rule or part thereof adopted by the department after April 3, 1985, shall be valid unless adopted in compliance with subsections (b), (c), and (d) of this Code section and subsection (a) of Code Section 50-13-4.

(f) Emergency rules shall not be subject to the requirements of subsection (b), (c), or (d) of this Code section but shall be subject to the requirements of subsection (b) of Code Section 50-13-4. Upon the first expiration of any department emergency rules, where those emergency rules are intended to cover matters which had been dealt with by the department's nonemergency rules but such nonemergency rules have been objected to by both legislative committees under this Code section, the emergency rules concerning those matters may not again be adopted except for one 120 day period. No emergency rule or part thereof which is

adopted by the department shall be valid unless adopted in compliance with this subsection.

(g) Any proceeding to contest any rule on the ground of noncompliance with this Code section must be commenced within two years from the effective date of the rule.

(h) For purposes of this Code section, "rules" shall mean rules and regulations.

(i) The state health plan or the rules establishing considerations, standards, or similar criteria for the grant or denial of a certificate of need pursuant to Code Section 31-6-42 shall not apply to any application for a certificate of need as to which, prior to the effective date of such plan or rules, respectively, the evidence has been closed following a full evidentiary hearing before a hearing (

(Code 1981, Sec. 31-6-21.1, enacted by Ga. L. 1985, p. 829, Sec. 2; Ga. L. 1986, p. 148, Sec. 1; Ga. L. 1992, p. 6, Sec. 31; Ga. L. 1994, p. 684, Sec. 2; Ga. L. 1999, p. 296, Sec. 22.)

32-2-20. Composition of State Transportation Board; qualifications of members; terms of office; manner of selection of members; filling of vacancies; officers; meetings; compensation of members. (a) The State Transportation Board shall be composed of one member to be chosen from each congressional district of the state in the manner provided in subsection (b) of this Code section. Each member of the board shall be a resident of the congressional district which he represents. In the event any person who is an officer, agent, official, or employee of the state or of any county, municipality, or other political subdivision thereof or who is a member of the General Assembly is appointed or elected as a member of the board, such person must resign as such officer, agent, official, employee, or member prior to taking office as a member of the board.

(b) Each member shall be elected to serve for a term of five years and until his successor is duly elected and certified. The member of the board from each congressional district shall be elected by a majority vote of the members of the House of Representatives and Senate whose respective districts are embraced or partly embraced within such congressional district, meeting in caucus at the regular session of the General Assembly immediately preceding the expiration of the term of office of each such board member. Said caucus shall be called at the state capitol by the Speaker of the House of Representatives and the President of the Senate within the first ten days of the convening of the General Assembly in regular session by mailing to the members of the General Assembly who are affected written notice at least four days before the caucus, which notice shall state the time, place, and purpose of said caucus. Within 15 days after each such election, the Speaker of the House and the President of the Senate shall jointly transmit a certificate of such election to the Secretary of State who, upon receipt thereof, shall immediately issue his commission thereon, with the great seal of the state affixed t

(c) In the event that any vacancy for any cause shall occur in the membership of the board during any regular session of the General Assembly, the remainder of the unexpired term shall be filled by a member elected by a majority vote of those members of the General Assembly whose respective districts are embraced or partly embraced within the congressional district where the vacancy occurred, in the same manner as

provided in subsection (b) of this Code section for the election of board members. In the event that any vacancy for any cause shall occur in the membership of the board while the General Assembly is not in session, the remainder of the unexpired term shall be filled by a member elected by a majority vote of those members of the General Assembly whose respective districts are embraced or partly embraced within the congressional district where the vacancy occurred, at a meeting which shall be called by the Speaker of the House of Representatives and the President of the Senate at some convenient location and in the manner provided in subsection (b) of this Code section for the election of board

(d) The board shall, by majority vote of those members present and voting at regular sessions, elect from their number a chairman and vice-chairman who shall serve at the pleasure of the board. In like manner, the board shall also elect a secretary, who need not necessarily be a member of the board, and who shall also serve at the pleasure of the board.

(e) The board shall meet in regular session at least one day each month, at least nine of which regular sessions are to be held at the headquarters of the Department of Transportation in Atlanta, and at such other special meetings as may be called by the commissioner, by the chairman, or by a majority of the members of the board upon reasonable written notice to all members of the board. Further, the chairman of the board or the commissioner is authorized from time to time to call meetings of committees of the board which are established by board policy; and to require the attendance of a member or members of the board at places inside or outside the state when, in the opinion of the chairman or the commissioner, the member or members of the board are needed to attend properly to the department's business. A majority of the board shall constitute a quorum for the transaction of all business including election or removal of the commissioner. Except as otherwise provided in this title, any power of the board may be exercised by a majority vote of those members present at any meeting at which there is a quorum.

(f) The members of the board shall receive no salary but shall receive for each day of actual attendance at meetings of the board and the committee meetings the per diem and transportation costs prescribed in Code Section 45-7-21. A like sum shall be paid for each day actually spent in studying the transportation needs of the state or attending other functions as a representative of the board, not to exceed 60 days in any calendar year. In addition, they shall receive actual transportation costs while traveling by public carrier or the legal mileage rate for the use of a personal automobile in connection with such attendance and road study. Such per diem and expense shall be paid from funds appropriated to the department upon presentation, by members of the board, of vouchers approved by the chairperson and signed by the secretary.

(Ga. L. 1919, p. 242, art. 3, Sec. 2; Ga. L. 1921, p. 199, Secs. 6, 7; Code 1933, Secs. 95-1601, 95-1602, 95-1603, 95-1605; Ga. L. 1950, p. 62, Sec. 4; Ga. L. 1951, p. 31, Sec. 1; Ga. L. 1958, p. 624, Sec. 1; Ga. L. 1963, p. 3, Sec. 1; Ga. L. 1963, p. 282, Sec. 1; Ga. L. 1967, p. 151, Sec. 1; Ga. L. 1968, p. 1055, Sec. 1; Code 1933, Sec. 95A-306, enacted by Ga. L. 1973, p. 947, Sec. 1; Ga. L. 1974, p. 1422, Sec. 11; Ga. L. 1975, p. 833, Sec. 1; Ga. L. 1990, p. 296, Sec. 1; Ga. L. 1995, p. 1041, Sec. 1; Ga. L. 1996, p. 6, Sec. 32.)

33-24-63. Short title. This article shall be known and may be cited as the "Assessment of Proposed Accident and Sickness Insurance Coverage Act."

(Code 1981, Sec. 33-24-60, enacted by Ga. L. 1989, p. 492, Sec

33-24-61. Legislative findings and intent. It is the intent of the General Assembly to encourage health care cost containment while preserving the quality of care offered to citizens of this state. The General Assembly finds that there is an increasing number of proposals which mandate that certain health insurance benefits be provided by insurers as components of individual and group accident and sickness insurance policies. The General Assembly further finds that many of these health insurance benefits provide beneficial social and health consequences which may be in the public interest. However, the General Assembly also recognizes that most mandated health insurance benefits contribute to the increasing cost of accident and sickness insurance premiums. Therefore, it is the intent of the General Assembly to conduct a systematic review of proposed mandated or mandatorily offered health insurance benefits and to establish guidelines for such a review. This review will assist the General Assembly in determining whether mandating a certain health insurance benefit is in the public interest.

(Code 1981, Sec. 32-24-61, enacted by Ga. L. 1989, p. 492, Sec

33-24-62. "Health insurance benefit bill" defined. As used in this article, the term "health insurance benefit bill" means any legislative proposal which either mandates the inclusion of certain benefits, coverages, or reimbursements for covered health care services in accident and sickness insurance policies or provides for the mandatory offering of such benefits, coverages, or reimbursements in accident and sickness insurance policies.

(Code 1981, Sec. 33-24-62, enacted by Ga. L. 1989, p. 492, Sec

33-24-63. Review of health insurance benefit bill by General Assembly; Commissioner of Insurance to issue report on bill. (a) Every health insurance benefit bill, to be determined by the presiding officer of the House of Representatives or the Senate, shall be subject to review by the General Assembly prior to enactment as provided in this article. The Clerk of the House or the Secretary of the Senate shall deliver such bill or bills to the Commissioner of Insurance within five days after such legislation has been read for the first time.

(b) The Commissioner of Insurance shall issue a report on each health insurance benefit bill which assesses, if possible, the financial effects of the health insurance benefit proposed in such bill. The Commissioner, upon completion of said report, shall deliver a copy thereof to the Governor and to the presiding officer of both houses of the General Assembly.

(Code 1981, Sec. 33-24-63, enacted by Ga. L. 1989, p. 492, Sec

33-24-64. Contents of report by Commissioner on health insurance benefit bills. The report required under Code Section 33-24-63 for assessing the impact of a health insurance benefit bill shall address the financial impact of such legislation by obtaining, at the minimum and to the extent that the information is available, the following:

(1) To what extent will the benefit increase or decrease the cost of the treatment or service;

(2) To what extent will the benefit increase the appropriate uses of the treatment or service;

(3) To what extent will the benefit be a substitute for a more expensive treatment or service;

(4) To what extent will the benefit increase or decrease the administrative expense of insurers or premium of the policyholders; and

(5) The impact of this coverage on the total cost of insurance premiums or health care to health insurance policyholders, including the impact of all indirect costs, which are costs other than premiums and administrative costs, on the question of benefit costs and benefits of coverage.

(Code 1981, Sec. 33-24-64, enacted by Ga. L. 1989, p. 492, Sec.

33-24-65. Public hearing. The Commissioner of Insurance, upon receiving a certified copy from the Clerk of the House or the Secretary of the Senate of the bill or bills as provided in Code Section 33-24-63, may in his discretion convene a public hearing within ten calendar days after receipt in order to obtain any information necessary to allow the Commissioner a basis upon which to prepare the report required by this article. If the Commissioner convenes a public hearing, he shall give such notice as is reasonable under the circumstances and, in all other respects, shall conduct such hearing in accordance with Chapter 2 of this title.

(Code 1981, Sec. 33-24-65, enacted by Ga. L. 1989, p. 492, Sec.

33-24-66. Evidence, testimony, and information necessary to prepare report under Code Section 33-24-63; time period for issuing of reports on bill. (a) The Commissioner shall compile all evidence, testimony, and information necessary to prepare the report required by Code Section 33-24-63. The Commissioner may include in this report studies, reviews, or evaluations of similar legislation completed by other states or any department of the government of the United States of America and any evaluations performed by the staff of the Department of Insurance.

(b) Within 20 days of the date of receipt of the health insurance benefit bill, the Commissioner shall issue the report required in Code Section 33-24-63. If a public hearing was conducted, the report shall contain a concise statement of the information revealed at the public hearing and may include copies of any document or documents presented at the public hearing and any other information deemed necessary by the Commissioner.

(Code 1981, Sec. 33-24-66, enacted by Ga. L. 1989, p. 492, Sec.

33-24-67. Rules and regulations. The Commissioner shall promulgate all rules and regulations necessary or appropriate to the administration and enforcement of this article.

(Code 1981, Sec. 33-24-67, enacted by Ga. L. 1989, p. 492, Sec.



36-7-2.1. County surveyors; abolishing elected office and authorizing appointment; qualifications of appointed surveyor. (a) The General Assembly may by local law abolish the office of elected county surveyor in any county of this state and authorize the governing authority of the county to appoint the county surveyor for such term of office as the General Assembly shall provide by said local law.

(b) A local law abolishing the office of elected county surveyor pursuant to the authority of this Code section shall comply with the provisions of Code Section 1-3-11 requiring referendum approval on abolishing certain offices, except that if the office of the elected county surveyor is vacant at the time of its abolishment or if the person holding the office was appointed to fill a vacancy pursuant to the provisions of Code Section 36-7-3, such office may be abolished at any time without the necessity of a referendum.

(c) A county surveyor appointed by a county governing authority pursuant to the authority of a local Act enacted pursuant to the provisions of this Code section shall possess the qualifications to hold office as a county surveyor specified by paragraph (1) of subsection (b) of Code Section 36-7-2 and shall carry out the duties of a county surveyor as provided in this chapter and other laws of this state.

(Code 1981, Sec. 36-7-2.1, enacted by Ga. L. 1989, p. 919, Sec. 1; Ga. L. 1993, p. 91, Sec. 36.)

36-31-5. Incorporation of municipalities; requirement of certificate of existence of minimum standards; manner of determination of existence of standards; disposition and evidentiary effect of certificate. Every local law granting an original municipal charter shall have attached thereto a certificate by the author of the bill stating that the minimum standards required by this chapter exist as to the area embraced. Existence of the standards may be determined, as to population, by estimate based on the number of dwellings in the area multiplied by the average family size in the area, as determined by the last preceding federal census or by other reliable evidence acceptable to the author. As to development of the area, existence of the standards may be determined by estimate based on actual survey, county maps or records, aerial photographs, or some other reliable map acceptable to the author. The certificate shall be a permanent part of the charter and shall constitute conclusive evidence of the existence of the standards required by this chapter.

(Ga. L. 1963, p. 251, Sec. 5.)

42-5-11. General prohibition against receipt of remuneration in regard to assignment, transfer, or status of inmate. (a) It shall be unlawful for anyone other than a duly licensed attorney who is an active member in good standing of the State Bar of Georgia and who is not a member of the General Assembly to accept a fee, money, or other remuneration, other than actual expenses, for contacting, in any manner, the commissioner, any employee of the department, or any member of the board in an attempt to influence the commissioner, employee, or board member concerning a transfer of an inmate from one correctional institution to another or concerning the status and assignment of an inmate within a correctional institution.

(b) Any person who receives any fee, money, or other remuneration other than actual expenses, in violation of subsection (a) of this Code section, shall be guilty of a misdemeanor.

(Ga. L. 1975, p. 1218, Sec. 1.)

42-5-12. Receipt of remuneration by state officials in regard to assignment, transfer, or status of inmate. (a) It shall be unlawful for members of the General Assembly or any other state elected or appointed official to accept a fee, money, or other remuneration for contacting, in any manner, the commissioner, any employee of the department, or any member of the board in an attempt to influence the commissioner, employee, or board member concerning a transfer of an inmate from one correctional institution to another or concerning the status and assignment of an inmate within a correctional institution.

(b) Nothing in this Code section shall be construed so as to prohibit:

(1) Members of the General Assembly or other state elected or appointed officials from appearing before or contacting the commissioner, employees of the department, or members of the board when their official duties require them to do so;

(2) Members of the General Assembly or other state elected or appointed officials from requesting information from and presenting information to the commissioner, employees of the department, or members of the board on behalf of constituents when no compensation, gift, favor, or anything of value is accepted, either directly or indirectly, for such service;

(3) Members of the General Assembly or other state elected or appointed officials from contacting the commissioner, any employee of the department, or any member of the board on behalf of any person so long as there is no fee, money, or other remuneration being paid or received for such contacting;

(c) Nothing in this Code section shall be construed to apply to the acceptance of compensation, expenses, and allowances received by members of the General Assembly or any other state elected or appointed official for his duties as a member or official.

(d) Nothing contained in this Code section shall preclude any attorney from contacting a client who may be in a correctional institution or from making any reasonable contact with employees of the department to the extent that the contact with employees may be necessary to contact his client.

(e) Any person violating this Code section shall be guilty of a misdemeanor.

(Ga. L. 1975, p. 1218, Sec. 3.)

42-9-17. Appearance before State Board of Pardons and Paroles by members of General Assembly or other elected or appointed officials on behalf of persons under the jurisdiction of the board. (a) It shall be unlawful for members of the General Assembly or any other state elected or appointed official to accept any compensation for appearing before the

board in behalf of a person under the jurisdiction of the board and for seeking a decision on behalf of the person. Nothing in this Code section shall be construed so as to prohibit:

(1) Members of the General Assembly or state elected or appointed officials from appearing before the board when their official duties require them to do so; or

(2) Members of the General Assembly or state elected or appointed officials from requesting information from and presenting information to the board on behalf of constituents when no compensation, gift, favor, or anything of value is accepted, either directly or indirectly, for such service.

(b) Nothing in subsection (a) of this Code section shall be construed to apply to the acceptance of compensation, expenses, and allowances received by members of the General Assembly or any other state elected or appointed official for their duties as such members or officials.

(c) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor.

(Ga. L. 1974, p. 471, Secs. 1-3.)

43-1A-1. Short title. This chapter shall be known and may be cited as the "Georgia Occupational Regulation Review Law."

(Code 1981, Sec. 43-1A-1, enacted by Ga. L. 1986, p. 803, Sec.

43-1A-2. Legislative intent. The General Assembly finds that the need for and the effectiveness of establishing occupational licensure and certification in this state has not been systematically evaluated. It is the purpose of this chapter to ensure that no programs of licensure and certification shall hereafter be imposed upon any profession or business unless required for the safety and well-being of the citizens of the state.

(Code 1981, Sec. 43-1A-2, enacted by Ga. L. 1986, p. 803, Sec.

43-1A-3. Definitions. As used in this chapter, the terms

(1) "Applicant group" means any business or professional group or organization, any individual, or any other interested party which proposes that any business or professional group not presently regulated be regulated by the state.

(2) "Certificate" or "certification" means a voluntary process by which a statutory regulatory entity grants recognition to an individual who has met certain prerequisite qualifications specified by that regulatory entity and who may assume or use "certified" in the title or designation to perform prescribed occupational tasks.

(3) "Council" means the Georgia Occupational Regulation Review Council.

(4) "Grandfather clause" means a provision in a regulatory statute applicable to individuals engaged in the

regulated business or profession prior to the effective date of the regulatory statute which exempts the individuals from meeting prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(5) "Legislative committee of reference" means the standing legislative committee designated by the Speaker of the House of Representatives or the President of the Senate to consider proposed legislation introduced in their respective houses of the General Assembly to regulate any business or occupation not previously regulated.

(6) "License," "licensing," or "licensure" means authorization to engage in a business or profession which would otherwise be unlawful in the state in the absence of authorization. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed business or professional tasks, who use a particular title, or who perform those tasks and use a particular title.

(7) "Regulate" or "regulation" means the process of licensure or certification as defined in this Code section.

(8) "Regulatory entity" means any state agency which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(9) "State agency" means each state board, bureau, commission, department, division, office, or other separate unit of state government created or established by law.

(Code 1981, Sec. 43-1A-3, enacted by Ga. L. 1986, p. 803, Sec. 1; Ga. L. 1987, p. 3, Sec. 43.)

43-1A-4. Occupational Regulation Review Council. (a) There is created the Georgia Occupational Regulation Review Council.

(b) The council shall consist of ten members:

- (1) The Comptroller General or his designee;
- (2) The Secretary of State or his designee;
- (3) The commissioner of human resources or his designee;
- (4) The director of the Office of Planning and Budget or his designee;
- (5) The commissioner of natural resources or his designee;
- (6) The state revenue commissioner or his designee;
- (7) The Commissioner of Agriculture or his designee;
- (8) The administrator of the "Fair Business Practices Act of 1975" or his designee;
- (9) The chairperson of the legislative committee of reference or that person's designee from that committee, but only

when legislation referred by such committee is being considered by the council; and

(10) The chairperson of that standing committee of the General Assembly appointed by the presiding officer thereof pursuant to subsection (b) of Code Section 43-1A-5 or that chairperson's designee from that committee, but only when legislation of which that presiding officer was notified under subsection (b) of Code Section 43-1A-5 is being considered by the council.

(c) The director of the Office of Planning and Budget or his designee shall serve as chairperson of the council.

(d) Legislative members of the council appointed thereto pursuant to paragraphs (9) and (10) of subsection (b) of this Code section shall receive for their attendance of meetings of the council the same expense and mileage allowance authorized for legislative members of interim legislative committees.

(Code 1981, Sec. 43-1A-4, enacted by Ga. L. 1986, p. 803, Sec. 1; Ga. L. 1987, p. 3, Sec. 43.)

43-1A-5. Powers and duties of council. (a) It shall be the duty of the council to review all bills introduced in the General Assembly to license or certify a profession or business, which is not currently licensed or certified by the state, based on the criteria outlined in Code Section 43-1A-6.

(b) The chairperson of the legislative committee of reference shall provide written notification to the council of any proposed legislation introduced in that house of the General Assembly of which that committee is a standing committee if that legislation provides for the licensure or certification of a business or profession not currently licensed or certified by the state. That chairperson at the same time shall provide written notification of that legislation to the presiding officer of the house of the General Assembly in which that legislation was not introduced, and that presiding officer shall then appoint the chairperson of a standing committee of that house to serve as a member of the council for the purpose of considering that legislation, except that the chairperson so appointed may instead designate another member of that standing committee to serve as a member of the council for that purpose. Within a period of time not to exceed nine months from the date of such notification to the council, but in no event later than the convening date of the next succeeding regular session of the General Assembly, the council shall provide a formal report evaluating the need to regulate the business or profession based on the factors and information provided under Code Section 43-1A-7 to the chairperson of the legislative committee of reference, the committee chairperson appointed to the council pursuant to paragraph (10) of subsection (b) of Code Section 43-1A-4, the presiding officers of the House of Representatives and the Senate, and the legislative counsel. If the council determines a need for regulation, the report shall recommend an appropriate type of regulation and an appropriate state agency to oversee the regulation.

(c) The council shall work with the applicant group, the legislative committee of reference, and other interested parties in formulating its formal report.

(Code 1981, Sec. 43-1A-5, enacted by Ga. L. 1986, p. 803, Sec.

43-1A-6. Review of proposed legislation. All bills introduced in the General Assembly to newly regulate a profession or business should be reviewed according to the following criteria. In evaluating whether a profession or business shall hereafter be regulated, the following factors shall be considered:

(1) Whether the unregulated practice of an occupation may harm or endanger the health, safety, and welfare of citizens of the state and whether the potential for harm is recognizable and not remote;

(2) Whether the practice of an occupation requires specialized skill or training and whether the public needs and will benefit by assurances of initial and continuing occupational ability;

(3) Whether the citizens of this state are or may be effectively protected by other means; and

(4) Whether the overall cost effectiveness and economic impact would be positive for citizens of the state.

(Code 1981, Sec. 43-1A-6, enacted by Ga. L. 1986, p. 803, Sec.

43-1A-7. Legislative action. After July 1, 1986, applicant groups and other interested parties shall explain in writing each of the following factors to the extent requested by the council and the legislative committee of reference:

(1) A definition of the problem and why regulation is necessary:

(A) The nature of the potential harm to the public if the business or profession is not regulated, and the extent to which there is a threat to public health and safety; and

(B) The extent to which consumers need and will benefit from a method of regulation identifying competent individuals engaged in the business or profession;  
(2) The efforts made to address the problem:

(A) Voluntary efforts, if any, by members of the business or profession to establish a code of ethics or help resolve disputes between the business or professional group and consumers; and

(B) Recourse to and the extent of use of applicable law and whether it could be strengthened to control the problem;

(3) The alternatives considered:

(A) Regulation of business or professional employers rather than employees;

(B) Regulation of the program or service rather than the individuals;

(C) Registration of all individuals;

(D) Certification of all individuals;

(E) Other alternatives;

(F) Why the use of the alternatives specified in this paragraph would not be adequate to protect the public interest; and

(G) Why licensure would serve to protect the public interest;

(4) The benefit to the public if regulation is granted:

(A) The extent to which the incidence of specific problems present in the unregulated business or profession can reasonably be expected to be reduced by regulation;

(B) Whether the public can identify qualified individuals;

(C) The extent to which the public can be confident that regulated individuals are competent;

(i) Whether the proposed regulatory entity would be a board composed of members of the profession and public members, or a state agency, or both and, if appropriate, their respective responsibilities in administering the system of certification or licensure, including the composition of the board; the powers and duties of the board or state agency regarding examinations, investigations, and the disciplining of certified or licensed individuals; the promulgation of rules and a code of ethics; and how fees would be levied and collected to cover the expenses of administering and operating the regulatory system;

(ii) If there is a grandfather clause, whether such individuals will be required to meet the prerequisite qualifications established by the regulatory entity at a later date

(iii) The nature of the standards proposed for certification or licensure as compared with the standards of other jurisdictions;

(iv) Whether the regulatory entity would be authorized to enter into reciprocity agreements with other jurisdictions; and

(v) The nature and duration of any training and whether applicants will be required

to pass an examination; and, if an examination is required, by whom it will be developed and how the cost of development will be met;

(D) Assurance to the public that regulated individuals have maintained their competence:

(i) Whether the certification or license will carry an expiration date; a

(ii) Whether renewal will be based only upon payment of a fee or whether renewal will involve reexamination, satisfactory completion of continuing education, peer review, or other enforcement;

(5) The extent to which regulation might harm the public:

(A) The extent to which regulation might restrict entry into the business or profession and whether the proposed standards are more restrictive than necessary to ensure safe and effective performance;

(B) Whether there are similar professions to that of the applicant group which should be included in, or portions of the applicant group which should be excluded from, the proposed legislation;

(6) A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the business or profession in this state, an estimate of the number of individuals in each group, and whether the groups represent different levels of business or professional activity;

(7) The expected cost of regulation:

(A) The impact regulation might have on the costs of service to the public;

(B) The impact regulation might have on various types of insurance; and

(C) The initial and long-term cost to the state and to the general public of implementing the proposed legislation; and

(8) Any additional information requested by the council or the legislative committee of reference.

(Code 1981, Sec. 43-1A-7, enacted by Ga. L. 1986, p. 803, Sec.

43-1A-8. Preferred forms of regulation. After evaluating the report of the council and any other desired information based on the criteria outlined in Code Section 43-1A-6 and considering governmental and societal costs and benefits, if the General Assembly finds that it is necessary to regulate a business or profession not previously regulated by law, the most appropriate alternative method of regulation should be implemented, consistent with the public interest and this Code.



(1) Where the consumer may have a substantial basis for relying on the services of a profession or business, a system of certification should be implemented;

(2) Where apparent that adequate regulation cannot be achieved by means other than licensing, a system of licensing should be implemented; or

(3) Where regulation as defined in this chapter is deemed too restrictive and unnecessary to protect the public health and welfare, a less restrictive means of ensuring public protection, including but not limited to stricter civil action or criminal penalties, inspection requirements, or a system of registration, may be considered.

(Code 1981, Sec. 43-1A-8, enacted by Ga. L. 1986, p. 803, Sec.

43-1A-9. Chapter not to limit legislature's constitutional powers. Nothing in this chapter shall be construed to limit the authority of the General Assembly to legislate as authorized by the Cons

(Code 1981, Sec. 43-1A-9, enacted by Ga. L. 1986, p. 803, Sec.

43-2-1. Legislative findings; purpose of chapter. The General Assembly finds that the effectiveness of many regulatory agencies which have been created in this state needs to be evaluated. It is the purpose of this chapter to establish a procedure for the review of regulatory agencies to increase their effectiveness and efficiency.

(Code 1981, Sec. 43-2-1, enacted by Ga. L. 1992, p. 3137, Sec.

43-2-2. "Regulatory agency" defined. As used in this chapter, the term "regulatory agency" means any board, bureau, or commission of the executive branch of state government in existence on July 1, 1992, or created by law after July 1, 1992, for the primary purpose of licensing or otherwise regulating or controlling any profession, business, or trade.

(Code 1981, Sec. 43-2-2, enacted by Ga. L. 1992, p. 3137, Sec.

43-2-3. Assignment of agencies to standing committees of Senate and House of Representatives; public hearings; factors considered in conducting audit. (a) The President of the Senate and the Speaker of the House of Representatives shall assign each of the regulatory agencies to a standing committee of their respective houses for the purpose of review. When a performance audit is conducted, the Senate and House committees to which a regulatory agency is assigned shall conduct a joint public hearing or hearings for the purpose of receiving testimony from the public and from the officials of the regulatory agency involved relative to the effectiveness and efficiency of the agency.

(b) When conducting a performance audit, the state auditor shall take into consideration, among others, the following factors:

(1) Whether the absence of regulation would significantly harm, affect, or endanger the public health, safety, or welfare;

(2) Whether there is a less restrictive method of regulation available which would adequately protect the

(3) The extent to which the regulatory agency has permitted qualified applicants to serve the public;

(4) The extent to which affirmative action requirements of state and federal statutes and constitutions have been complied with by the regulatory agency or the profession, business, or trade it regulates;

(5) The extent to which the regulatory agency has operated in the public interest and the extent to which its operation has been impeded or enhanced by existing statutes, procedures, practices, and rules and regulations, and any other circumstances, including budgetary, resource, and personnel matters;

(6) The extent to which the regulatory agency has recommended statutory changes to the General Assembly which would benefit the public as opposed to the persons it regulates;

(7) The extent to which the regulatory agency has required the persons it regulates to report to it concerning the impact of rules and decisions of the regulatory agency on the public regarding improved service, economy of service, and availability of service;

(8) The extent to which persons regulated by the regulatory agency have been required to assess problems in their profession, business, or trade which affect the public;

(9) The extent to which the regulatory agency has encouraged participation by the public in making its rules and decisions as opposed to participation solely by the persons it regulates;

(10) The efficiency with which formal public complaints filed with the regulatory agency concerning persons subject to regulation have been processed to completion by the regulatory agency; and

(11) The extent to which changes are necessary in the enabling laws of the regulatory agency to comply adequately with the factors listed in this subsection.

(Code 1981, Sec. 43-2-3, enacted by Ga. L. 1992, p. 3137, Sec.

43-2-4. Conduct of audit by state auditor; summary listing of findings; submission of copies; response. (a) The state auditor shall conduct a performance audit of any regulatory agency upon the request of a standing committee of the House or the Senate to which a regulatory agency is assigned. This audit shall include, without being limited to, a summary listing of the audit findings and a determination regarding each finding as to whether the regulatory agency, the division director, or both, or some other entity exercises major responsibilities in the area relating to the finding.

(b) A copy of each performance audit conducted pursuant to subsection (a) of this Code section shall be submitted, within 15 days after completion, to:

(1) Each member of the Senate and House standing committees to which the regulatory agency has been assigned for review under this chapter;

(2) The presiding officers of the Senate and House of Representatives;

(3) The Governor, the Attorney General, and the legislative counsel;

(4) The chairperson of the audited regulatory agency; and

(5) The division director.

(c) Within 30 days after submission of the performance audit, the regulatory agency and the division director shall each submit a written response as to each audit finding in those areas in which that agency or division director has been determined by the audit to exercise major responsibilities. Such response shall include, without being limited to, the following:

(1) Whether or not the agency or division director agrees with that finding and the reasons therefor;

(2) What steps have been or will be taken to address each issue raised in each finding, whether the steps are regulatory or proposed statutory changes, and the proposed effective date of any such regulatory changes; and

(3) If no steps have been or will be taken to address any issues raised in the finding, the reasons therefor

(d) At the request of a standing committee assigned review, that response shall be updated and resubmitted by the division director and audited regulatory agency.

(e) Responses required by subsections (c) and (d) of this Code section shall be submitted to those persons designated in paragraphs (1), (2), and (3) of subsection (b) of this Code section to receive copies of performance audits.

(Code 1981, Sec. 43-2-4, enacted by Ga. L. 1992, p. 3137, Sec. 1; Ga. L. 2000, p. 1706, Sec. 19.)

43-2-5. Reports of findings and recommendations. The Senate and House committees to which a regulatory agency has been assigned for review shall issue reports of their findings and recommendations to the Governor, to the regulatory agency involved, and to each member of the General Assembly. Such reports may be issued separately by the reviewing committees or jointly when a majority of the members of each reviewing committee are in agreement as to the recommendations and findings. Such reports shall contain copies of any legislation which must be enacted in order to fulfill the requirements of this chapter.

(Code 1981, Sec. 43-2-5, enacted by Ga. L. 1992, p. 3137, Sec.

45-3-11. Loyalty oath -- Persons required to take oath generally. All persons who are employed by and are on the payroll of the state and are the recipients of wages, per diem, or salary of the state

or its departments and agencies, with the exception of pages employed by the General Assembly; and all counties and cities, school districts and local educational systems throughout the entire state, are required to take an oath that they will support the Constitution of the United States and the Constitution of Georgia, and that they are not members of the Communist Party.

(Ga. L. 1949, p. 960, Sec. 1; Ga. L. 1961, p. 552, Sec. 1; Ga. L. 1982, p. 3, Sec. 45; Ga. L. 1984, p. 22, Sec. 45.)

45-5-5. To whom resignations to be made. (a) The resignations of all state and county officers and senators and representatives of the State of Georgia in the United States Congress shall be made to the Governor. If the resignation is from an office which may not be filled by executive appointment of the Governor, the Governor shall, upon receiving the resignation, promptly notify the appropriate official of the state or county to fill the vacancy or to initiate the process for filling the vacancy according to law.

(b) The resignations of municipal officers shall be made to the governing authority of the municipality who shall fill the vacancies in accordance with law.

(Orig. Code 1863, Sec. 133; Code 1868, Sec. 128; Code 1873, Sec. 137; Code 1882, Sec. 137; Civil Code 1895, Sec. 232; Civil Code 1910, Sec. 267; Code 1933, Sec. 89-504; Ga. L. 1986, p. 996, Sec. 2.)

45-6-4. Mailing of annual reports to General Assembly members. Each state official directed by law to file an annual report shall send by inter-office mail a notification that such report is available upon request to each member of the General Assembly at his legislative office at the state capitol, on or before June 1 of each year.

(Ga. L. 1917, p. 998; Code 1933, Sec. 40-1701; Ga. L. 1991, p. 1125, Sec. 1.)

45-12-1. Election of Governor. The Governor shall be elected quadrennially in the manner provided by Article V of the Constitution of Georgia and shall be installed in office by the General Assembly. The General Assembly shall be the sole judge of his election and qualifications.

(Orig. Code 1863, Sec. 1243; Code 1868, Sec. 1324; Code 1873, Sec. 1298; Code 1882, Sec. 1298; Civil Code 1895, Sec. 81; Civil Code 1910, Sec. 95; Code 1933, Sec. 40-101; Ga. L. 1949, p. 948, Sec. 1; Ga. L. 1972, p. 1015, Sec. 201.)

45-12-2. Inauguration of Governor. The ceremony of inauguration shall take place during the first week of the first session of the General Assembly after the election and on such day of that week as the General Assembly, by joint resolution, shall appoint. If the General Assembly fails to appoint the day, the inauguration ceremony shall take place at 12:00 Noon on Saturday of that week unless prevented by providential cause. The Governor shall begin the discharge of his duties from the time of his inauguration.

(Orig. Code 1863, Sec. 56; Code 1868, Sec. 52; Code 1873, Sec. 49; Code 1882, Sec. 49; Civil Code 1895, Sec. 116; Civil Code 1910, Sec. 139; Code 1933, Sec. 40-103; Ga. L. 1949, p. 948, Sec. 2.)

45-12-3. Entry of inauguration upon House journal; evidence of Governor's right, title, qualification, etc. The fact of such inauguration of the Governor shall be entered upon the journal of the House of Representatives and shall be conclusive evidence of his right and title to the office and of his eligibility and qualification.

(Ga. L. 1949, p. 948, Sec. 5.)

45-12-4. Oath of office of Governor. The Governor-elect shall, before he enters on the duties of his office, take the following oath in the presence of the General Assembly in joint session of the Senate and House of Representatives:

"I do solemnly swear or affirm that I will faithfully execute the office of Governor of the State of Georgia and will, to the best of my ability, preserve, protect, and defend the Constitution thereof and the Constitution of the United States."

Upon so taking the oath, the Governor-elect shall become Governor. The Lieutenant Governor-elect shall take the same oath with the substitution of "Lieutenant Governor" for "Governor" and upon so taking such oath shall become Lieutenant Governor.

(Orig. Code 1863, Sec. 57; Code 1868, Sec. 53; Code 1873, Sec. 50; Code 1882, Sec. 50; Civil Code 1895, Sec. 117; Civil Code 1910, Sec. 140; Code 1933, Sec. 40-104; Ga. L. 1949, p. 948, Sec. 3; Ga. L. 1983, p. 1539, Sec. 2.)

Code Sections 45-12-70 to 45-12-95 are known as the "Budget Act." Some of these Code sections are reproduced here but the reader should consult the Official Code of Georgia Annotated for the full text of the Act.

45-12-74. Budget report -- Preparation and submission to General Assembly. The Governor, through the Office of Planning and Budget, shall prepare and submit a budget report to the General Assembly within five days after its organization for consideration either with or without amendments and modifications by the General Assembly.

(Code 1933, Sec. 40-405, enacted by Ga. L. 1962, p. 17, Sec. 1)

45-12-76. Limitations on appropriations by General Assembly; supplementary appropriations. The General Assembly shall not appropriate funds for any given fiscal year which, in aggregate, exceed a sum equal to the amount of unappropriated surplus expected to have accrued in the state treasury at the beginning of the fiscal year, together with an amount not greater than the total treasury receipts from existing revenue sources anticipated to be collected in the fiscal year, less refunds, as estimated in the budget report and amendments thereto. Supplementary appropriations, if any, shall be made in the manner provided in Article III, Section IX, Paragraph V of the Constitution of Georgia, but in no event shall a supplementary appropriations Act continue in force and effect beyond the expiration of the General Appropriations Act in effect when such supplementary appropriations Act was adopted and ap

(Code 1933, Sec. 40-407, enacted by Ga. L. 1962, p. 17, Sec. 1; Ga. L. 1983, p. 3, Sec. 61.)

45-12-77. Requirement of emergency appropriation; manner of allocation. In order to provide for the emergency needs of the state agencies, which needs were not ascertainable at the time of the submission of the budget report to the General Assembly or at the time of the enactment of the General Appropriations Act, the General Appropriations Act shall contain a specific sum as an emergency appropriation. The manner of allocation of such emergency appropriation shall be as follows: the head of the budget unit desiring an allotment of funds from the appropriation shall present such request to the Governor, in such form and with such explanation as he may require, and the Governor may allow or disallow the request at his discretion. No allotment shall be made from this appropriation to a purpose which creates a continuing obligation for the state.

(Code 1933, Sec. 40-408, enacted by Ga. L. 1962, p. 17, Sec. 1

45-12-78. Heads of budget units to submit annual estimates; preparation and submission of budget estimates of legislative and judicial agencies; review of budget estimates by Office of Planning and Budget.

(a) Not later than September 1 of each year, the head of each budget unit, other than the General Assembly and the judiciary, shall submit to the Office of Planning and Budget estimates of the financial requirements of the budget unit for the next fiscal year, on the forms and in the manner prescribed by the Office of Planning and Budget, with such explanatory data as is required by the Office of Planning and Budget. Such submission shall utilize such budget classes and be within such expenditure parameters as may be established by the Governor. The head of a budget unit also may submit such additional data as is helpful. The estimates so submitted shall bear the approval of the board or commission of each budget unit for which a board or commission is constit

(b) Except as otherwise provided in this subsection, the budget estimates for the General Assembly, including all the legislative agencies, shall be prepared by the Speaker of the House of Representatives and the President of the Senate and such other legislative officers as appropriate and shall be submitted to the director of the budget at the same time as other budget estimates are submitted. The Department of Audits and Accounts, for the purpose of this part, is a legislative agency and shall be construed in all respects as such; and the budget estimate for said department shall be prepared by the state auditor and shall be included in the budget report without revision and shall not be subject to review or control by the Office of Planning and Budget. The director of the Office of Treasury and Fiscal Services shall assist in the preparation of these budget estimates, if requested. Effective with the budget estimates for the fiscal year beginning July 1, 1985, the budget estimates for the Senate, the office of the Lieutenant Governor, and the office of the Secretary of the Senate shall be prepared by the Senate; the budget estimates for the House of Representatives, the office of the Speaker of the House of Representatives, and the office of the Clerk of the House of Representatives shall be prepared by the House of Representatives; and the budget estimates for the Office of Legislative Counsel, the Office of Legislative Fiscal Officer, and the Office of Legislative Budget Analyst shall be prepared by the Legislative Services Committee. All of such budget estimates shall include such object classes as the Legislative Services Committee shall determine, and transfers of funds may be made between such object classes. Funds may also be transferred between the Senate, the office of the Lieutenant Governor, and the office of the Secretary of the Senate. Funds may also be transferred between the House of Representatives, the office of the Speaker of the

House of Representatives, and the office of the Clerk of the House of Representatives. Funds may also be transferred between the Office of Legislative Counsel, the Office of Legislative Fiscal Officer, and the Office of Legislative Budget Analyst.

(c) Budget estimates for the judiciary shall be prepared by the Chief Justice of the Supreme Court and the Chief Judge of the Court of Appeals and such other judicial officers as appropriate and shall be submitted to the director of the budget at the same time as other budget estimates are submitted. The director of the Office of Treasury and Fiscal Services shall assist in the preparation of these budget estimates, if requested.

(d) All of the data relative to the legislative and judicial branches of the government shall be for the information and guidance of the Office of Planning and Budget in estimating the total financial needs of the state for the ensuing period, but none of these estimates shall be subject to revision or review by the Office of Planning and Budget and must be included in the budget report as prepared by it.

(e) To effect the goal of decentralization, prior to September 1 of each year, the Office of Planning and Budget shall send all requests for new, expanded, relocated, or renovated rental real estate space to the Department of Administrative Services for an evaluation to determine conformity with Article 2 of Chapter 5 of Title 50, the "State Space Management Act of 1976." The Department of Administrative Services shall return such evaluation to the Office of Planning and Budget prior to the Governor's submission of the budget to the General Assembly as provided in Code Section 45-12-79.

(Code 1933, Sec. 40-409, enacted by Ga. L. 1962, p. 17, Sec. 1; Ga. L. 1973, p. 673, Secs. 6, 7; Ga. L. 1984, p. 359, Sec. 8; Ga. L. 1985, p. 149, Sec. 45; Ga. L. 1985, p. 669, Sec. 2; Ga. L. 1993, p. 1402, Sec. 18; Ga. L. 1993, p. 1914, Sec. 6; Ga. L. 1994, p. 1865, Sec. 2.)

45-12-80. Appropriations Act to adopt financial plans; continuation in force of annual appropriation Acts; adoption of supplementary appropriations Acts; submission of budget to Office of Planning and Budget. (a) The financial plan for each fiscal year, as presented in the budget report, shall be adopted, with such modifications as are made by the General Assembly, by the passage of a General Appropriations Act and such revenue and other Acts as are necessary for the purpose.

(b) Each General Appropriations Act, now of force or hereafter adopted, with such amendments as are adopted from time to time shall continue in force and effect for the next fiscal year after adoption; and it shall then expire except for the mandatory appropriations required by the Constitution of Georgia or those required to meet contractual obligations authorized by the Constitution of Georgia or the continued appropriation of federal grants.

(c) In addition to the appropriations made by the General Appropriations Act and amendments thereto, the General Assembly may make additional appropriations by Acts, which shall be known as supplementary appropriations Acts, provided no such supplementary appropriation shall be available unless there is an unappropriated surplus in the state treasury or the revenue necessary to pay such appropriation shall have been provided by a tax laid for such purpose and collected into the

general fund of the state treasury. Neither house shall pass a supplementary appropriation bill until the General Appropriations Act shall have been finally adopted by both houses and approved by the Governor.

(d) The annual operating budget for each budget unit shall be submitted for approval to the Office of Planning and Budget by May 31 of the fiscal year preceding the effective date; shall be submitted on forms and in the format as determined by the Office of Planning and Budget; and shall conform to approved appropriations Acts. The total annual operating budget, including such schedules and supplementary information as may be required by the Office of Planning and Budget, shall be considered the financial plan for the budget unit. The various schedules included in the annual operating budget shall govern the approved expenditures for the applicable object class and shall ensure that these expenditures conform to both the letter and the intent of approved appropriations Acts. The Governor through the Office of Planning and Budget shall direct to be made such changes in the submitted annual operating budget as the Governor deems necessary to bring the annual operating budget into conformity with approved appropriations Acts.

(Code 1933, Sec. 40-412, enacted by Ga. L. 1962, p. 17, Sec. 1; Ga. L. 1973, p. 673, Sec. 8; Ga. L. 1993, p. 1914, Sec. 7.)

45-12-88. Budget units to furnish information to Budgetary Responsibility Oversight Committee before instituting new programs. When any budget unit has plans to institute any new program, it shall be the duty of the head of such unit to furnish to the Budgetary Responsibility Oversight Committee, on September 1 prior to the convening date of the session at which appropriations to finance such program are to be sought, a description of the program, the reason for seeking to institute such program, the operating procedure of such program, the manner in which it conforms to the organization's strategic plan as well as the state strategic plan, the extent to which the facilities and staff to implement or provide the program will be decentralized, and any other information which would be helpful to the members of the committee in determining whether or not to appropriate funds therefor. The members shall also be furnished with the projected cost to implement the program fu:

(Code 1933, Sec. 40-419.1, enacted by Ga. L. 1970, p. 637, Sec. 1; Ga. L. 1993, p. 1914, Sec. 12; Ga. L. 1994, p. 1865, Sec. 4.)

45-12-111. Legislative budget analyst to analyze impact of proposed federal assistance project; forwarding of copy of analysis to General Assembly members. As soon as practicable after receiving a notification provided for in Code Section 45-12-110, it shall be the duty of the legislative budget analyst to analyze the short-term and long-term impact the proposed federal assistance project would have on state budgetary and fiscal matters if the application for federal assistance were approved. Upon completion of said analysis, the legislative budget analyst shall forward a copy of same to the President of the Senate, the Speaker of the House of Representatives, each member of the appropriations committees of the House of Representatives and Senate, and to any member of the General Assembly requesting a copy of said analysis.

(Ga. L. 1972, p. 411, Sec. 2.)

45-12-178. Ongoing review by Governor of all programs and functions in state government. (a) It is the intent of the Governor and



the General Assembly that taxpayers' money be spent in the most effective and efficient manner possible in order to obtain the maximum benefit from such expenditures. In furtherance of this objective, the Governor, through the Office of Planning and Budget, shall assist the General Assembly in establishing an ongoing review and evaluation of all programs and functions in state government.

(b) The chairperson of the Budgetary Responsibility Oversight Committee shall maintain a list of those programs for which the committee is requesting evaluations. The chairperson shall provide the list, and any subsequent revisions to the list, to the director of the Governor's Office of Planning and Budget and to the state auditor.

(c) The Office of Planning and Budget, the Department of Audits and Accounts, and the Research Office of the Budgetary Responsibility Oversight Committee shall undertake and complete evaluations on as many of those requested programs as resources will permit. The Office of Legislative Budget Analyst, the Board of Regents of the University System of Georgia, and all other state agencies are authorized and directed to provide assistance to the Office of Planning and Budget, the Department of Audits and Accounts, and the Research Office of the Budgetary Responsibility Oversight Committee, as requested, in the performance of these evaluations. The Office of Planning and Budget, the Department of Audits and Accounts, and the Research Office of the Budgetary Responsibility Oversight Committee are also authorized to contract with private contractors to perform, or assist in the performance of, these evaluations.

(d) The Office of Planning and Budget, the Department of Audits and Accounts, and the Research Office of the Budgetary Responsibility Oversight Committee shall report to the Budgetary Responsibility Oversight Committee on the results of program evaluations as such evaluations are completed. Such reports shall include:

(1) Appropriate background information on the affected program, including how and why it was initiated, its functions, what group it serves, how it is organized structurally and geographically, what are its staff size and composition, and what is its workload;

(2) Financial information including the source and amounts of funding and unit costs, where applicable;

(3) A description of the program's mission, goals, and objectives and an assessment of the extent to which the program has performed in comparison;

(4) Comparisons with other applicable public and private entities as to their experiences, service levels, costs, and staff resources required;

(5) Recommendations concerning the program, including whether it should be continued as it is currently operated, continued with identified steps to remediate deficiencies or institute improvements, or discontinued. Consideration should also be given to possible privatization or consolidation with other similar programs;

(6) Information describing the locations at which the program is operated and administered and the extent to which the operation and administration could be decentralized; and

(7) Such other information as is identified as appropriate.

(e) It is the intent of the General Assembly that all programs be evaluated at least every ten years.

(f) Department heads shall respond, in writing, within 90 days of the receipt of the report to recommendations and findings by the Office of Planning and Budget or the Department of Audits and Accounts setting forth in detail the action to be taken by said department to address the recommendations and findings. Said written response shall be made to the Office of Planning and Budget, the Department of Audits and Accounts, and the Budgetary Responsibility Oversight Committee.

(g) The Research Office of the Budgetary Responsibility Oversight Committee shall verify with state departments the implementation of the departments' plans set forth in their 90 day responses as submitted in accordance with subsection (f) of this Code section. The Research Office shall inform the Budgetary Responsibility Oversight Committee about each department's progress at reasonable intervals.

(Ga. L. 1970, p. 321, Sec. 6; Ga. L. 1993, p. 1914, Secs. 16, 17; Ga. L. 1994, p. 1865, Sec. 7; Ga. L. 1995, p. 10, Sec. 45; Ga. L. 1995, p. 923, Sec. 2; Ga. L. 1997, p. 1535, Secs. 1, 2; Ga. L. 1998, p. 128, Sec. 45.)

45-13-20. Duties of Secretary of State generally. This Code section provides that it is the duty of the Secretary of State to keep the original Acts passed by the General Assembly and all the public records of the state not appertaining especially to other offices; to look to and preserve the records and papers belonging to the Senate and the House of Representatives; and to see that the original journals of both houses are deposited and kept in his office.

(Laws 1783, Cobb's 1851 Digest, p. 665; Laws 1799, Cobb's 1851 Digest, p. 959; Laws 1838, Cobb's 1851 Digest, p. 1030; Ga. L. 1861, p. 72, Sec. 1; Code 1863, Secs. 84, 85, 109; Ga. L. 1865-66, p. 249, Sec. 1; Code 1868, Secs. 78, 80, 82; Code 1873, Secs. 83, 85, 87; Ga. L. 1878-79, p. 434; Code 1882, Secs. 83, 85, 87; Civil Code 1895, Secs. 179, 181, 183, 185; Civil Code 1910, Secs. 208, 210, 212, 214; Ga. L. 1914, p. 1247; Code 1933, Secs. 40-601, 40-604; Code 1933, Sec. 40-601.1, enacted by Ga. L. 1945, p. 402, Sec. 2; Ga. L. 1946, p. 75, Secs. 2, 3; Ga. L. 1964, Ex. Sess., p. 26, Sec. 1; Ga. L. 1986, p. 1608, Sec. 1.)

45-20-3.1. Rule-making procedure. (a) At least 30 days prior to the date of a public hearing held to consider the adoption of rules or regulations to effectuate this chapter, the State Personnel Board shall transmit a notice containing an exact copy of the proposed rule or regulation to each member of the State and Local Governmental Operations Committee of the Senate and the Governmental Affairs Committee of the House of Representatives. The notice shall provide a citation to the authority pursuant to which the proposed rule or regulation is to be adopted and, if it amends an existing rule or regulation, such existing rule or regulation shall be clearly identified. The notice shall also state the date, time, and place of the public hearing at which adoption of the proposed rule shall be considered.

(b) If, prior to the date of the public hearing at which the proposed rule or regulation is to be considered for adoption, the chairman of either legislative committee specified in subsection (a) of this Code section notifies the commissioner of personnel administration and the State Personnel Board that the committee objects to the adoption of the proposed rule or regulation or has questions concerning the purpose, nature, or necessity of the proposed rule or regulation, it shall be the duty of the State Personnel Board to consult with the committee prior to the adoption of the proposed rule or regulation.

(c) If the State Personnel Board finds that the immediate adoption of a rule or regulation is necessary to secure or protect the interests of the State Merit System of Personnel Administration, such rule or regulation may be adopted on an emergency basis without following the procedures required by this Code section. In that event, the State Personnel Board shall adopt a resolution declaring the existence of an emergency and explaining the basis for such declaration as a condition necessary to adopt a rule or regulation on an emergency basis. Any rule or regulation adopted pursuant to the authority of this subsection shall expire in not more than 120 days immediately following its adoption, but the adoption of an identical rule pursuant to the requirements of this Code section shall not be precluded.

(d) By not later than August 1, 1985, the State Personnel Board shall file with the Secretary of State a certified copy of all rules or regulations which were adopted by said board prior to July 1, 1985, and which are of force and effect on July 1, 1985, or which were adopted prior to July 1, 1985, to become effective after that date. Any rule or regulation adopted by the State Personnel Board prior to July 1, 1985, which is not filed with the Secretary of State by August 1, 1985, shall be void and of no force and effect after August 1, 1985.

(e) Each rule or regulation adopted by the State Personnel Board on or after July 1, 1985, shall become effective upon approval by the Governor. The commissioner of personnel administration shall immediately file an original and two copies of the rule or regulation in the office of the Secretary of State.

(f) Rules or regulations filed with the Secretary of State pursuant to subsections (d) and (e) of this Code section shall contain a citation to the authority pursuant to which the rules or regulations are adopted and, when existing rules or regulations are amended, the filings required by said subsections (d) and (e) shall clearly identify the existing rules or regulations. The Secretary of State shall endorse on each filing required by subsections (d) and (e) of this Code section the time and date of the filing and shall maintain a file of the rules and regulations for public inspection.

(g) Rules and regulations filed with the Secretary of State pursuant to the requirements of subsections (d), (e), and (f) of this Code section shall be published by the Secretary of State as a part of the rules of state agencies published by the Secretary of State pursuant to Code Section 50-13-7.

(h) The courts shall take judicial notice of any rule which has become effective pursuant to this chapter.

(Code 1981, Sec. 45-20-3.1, enacted by Ga. L. 1985, p. 1250, Sec. 1; Ga. L. 1987, p. 3, Sec. 45; Ga. L. 1992, p. 6, Sec. 45; Ga. L. 1995, p. 10, Sec. 45.)

46-10-3. Creation of consumers' utility counsel division; appointment, qualifications, compensation and reimbursement for expenses of director; annual report. There is created the consumers' utility counsel division within the Governor's Office of Consumer Affairs. There is created the position of director of the consumers' utility counsel division. The director shall be appointed and removed by the administrator. The director shall be a practicing attorney qualified by knowledge and experience to practice in public utility proceedings. The director shall receive compensation in an amount to be determined by the administrator, but not to exceed that provided or authorized by law for the district attorney for the Atlanta Judicial Circuit, excluding all city and county supplemental compensation and expenses. In addition to such compensation, the director shall also receive reimbursement for his or her reasonable and necessary expenses incurred in the performance of his or her duties, as provided by law for state employees. No person employed as director of the consumers' utility counsel division shall engage in the private practice of law while employed as director of the consumers' utility counsel division. The director shall submit a written report of the annual activities and expenditures of the division. The report shall be submitted by December 31 each year and shall be submitted to the Industry Committee of the Georgia House of Representatives and to the Finance and Public Utilities Committee of the Georgia Senate.

(Ga. L. 1981, p. 139, Sec. 3; Ga. L. 1982, p. 3, Sec. 46; Ga. L. 1983, p. 834, Sec. 1; Ga. L. 1985, p. 494, Sec. 1; Ga. L. 1988, p. 1718, Sec. 1; Ga. L. 1992, p. 6, Sec. 46; Ga. L. 1995, p. 167, Sec. 1.)

47-1-10. Adoption, amendment, or repeal of rules by boards of trustees of state retirement or pension systems; procedure; immediate adoption; filing of rules with Secretary of State. (a) As used in this Code section, the term:

(1) "Board of trustees" means the board of trustees or other administrative body or agency charged with the duty of administering any public retirement or pension system created by this title, except the Board of Trustees of the Georgia Municipal Employees Benefit System provided for by Chapter 5 of this title.

(2) "Employer" means a state department, official, or agency of the state or a local board of education, local elected official, or a local political subdivision which employs members.

(3) "Member" means a member of a public retirement or pension system created by this title.

(4) "Member organization" means any association of public employees or officials whose membership consists primarily of members of a public retirement or pension system created by this title.

(5) "Rule" means any rule or regulation adopted by a board of trustees for the administration or to aid in the administration of a public retirement or pension system created by this title, except rules or regulations governing or relating

to the investment of the funds or assets of any such retirement or pension system by any such board of trustees.

(6) "Small retirement system" means any public retirement or pension system created by this title which has less than 200 members.

(b) Prior to the adoption, amendment, or repeal of any rule, a board of trustees shall:

(1) Give at least 30 days' notice of the intended action. The notice shall include an exact copy of the proposed rule, the date on which the board of trustees will consider the adoption of the rule, and the time and place where the board of trustees shall meet for such purpose. The notice shall also contain a citation of the authority pursuant to which the rule is proposed for adoption and, if the proposal is an amendment to or repeal of an existing rule, the existing rule shall be clearly identified. The notice shall be mailed to all members of the respective retirement or pension system who have requested in writing to the board of trustees to be placed on a mailing list for proposed rules, provided that such mailing list shall not exceed 200 such members. If more than 200 members request to be placed on such mailing list, the board of trustees shall confine to the first 200 members making written request to the board of trustees to be placed on the mailing list. The board of trustees of any small retirement system may, at its discretion, mail the notice to all members. The notice shall also be mailed to employers and to member organizations of the respective public retirement or pension systems. Employers shall post such notices on bulletin boards for their respective employees and shall otherwise take reasonable steps to assure that members of the respective retirement or pension systems are made aware of the notice; and

(2) Afford members of the retirement or pension system affected by the proposed rule a reasonable opportunity to submit to the board of trustees, in writing, data, views, or arguments relative to the proposed rule. Any such submissions received by the board of trustees prior to the adoption of the proposed rule shall be considered by the board of trustees.

(c) At the time of the distribution of the notices required by paragraph (1) of subsection (b) of this Code section, the respective boards of trustees shall transmit a copy of such notices to each member of the House and Senate standing committees on retirement for review by such committees. If, prior to the adoption of the rule by the respective board of trustees, the chairman of either such committee notifies such board of trustees that the committee objects to the adoption of the rule or has questions concerning the purpose, nature, or necessity of the rule, it shall be the duty of such board of trustees to consult with the committee prior to the adoption of the rule.

(d) If a board of trustees finds that the immediate adoption of a rule is necessary to secure or protect the interests of the members of its respective public retirement or pension system, such rule may be adopted on an emergency basis without following the procedures required by this Code section. In that event, the board of trustees shall adopt a resolution declaring the existence of an emergency and explaining the

basis for such declaration as a condition necessary to adopt a rule on an emergency basis. Any rule adopted pursuant to the authority of this subsection shall expire in not more than 120 days immediately following its adoption, but the adoption of an identical rule pursuant to the requirements of this Code section is not precluded.

(e)(1) By not later than January 1, 1986, each board of trustees shall file with the Secretary of State a certified copy of all rules which were adopted by such board of trustees during the period beginning on January 1, 1979, and ending on July 1, 1985. Any rule adopted by a board of trustees during such period which is not filed with the Secretary of State by January 1, 1986, shall be void and of no force and effect after January 1, 1986. It shall not be necessary for rules adopted by boards of trustees prior to January 1, 1979, to be filed with the Secretary of State and such rules shall continue in force and effect until repealed by the respective boards of trustees, but if any such rule is amended on or after July 1, 1985, the original rule as amended shall be filed with the Secretary of State.

(2) Except pursuant to the authority of subsection (d) of this Code section, each rule adopted by a board of trustees on or after July 1, 1985, shall not become effective until the expiration of at least 20 days after an original and two copies of the rule are filed in the office of the Secretary of State.

(3) Rules which are required to be filed with the Secretary of State by paragraphs (1) and (2) of this subsection shall contain a citation of the authority pursuant to which the rules were adopted and, when existing rules are amended, the filings required by this subsection shall clearly identify the existing rules. The Secretary of State shall endorse on each filing required by this subsection the time and date of the filing and shall maintain a file of the rules for public inspection. The provisions of this subsection relative to rules adopted on or after July 1, 1985, shall not be construed to require a rule to go into effect 20 days after filing with the Secretary of State if the rule, by its own terms, provides for a later effective date. Rules filed with the Secretary of State pursuant to this subsection shall be published by the Secretary of State as a part of the rules of state agencies published by the Secretary of State pursuant to Code Section 50-13-1.

(Code 1981, Sec. 47-1-10, enacted by Ga. L. 1985, p. 1638, Sec. 1; Ga. L. 1990, p. 190, Sec. 2.)

Chapter 20 of Title 47 of the Official Code of Georgia Annotated is known as the "Public Retirement Systems Standards Law." This chapter regulates and restricts the enactment of bills relating to retirement and pension systems. The Official Code of Georgia Annotated should be consulted for the text of this law.

50-6-1. Creation of department; state auditor as head; qualifications; election procedure; term; vacancy. (a) The Department of Audits and Accounts is created and established. The head of the department shall be an experienced auditor and accountant with not less than five years' experience as an accountant in the Department of Audits and Accounts or in a governmental agency of a similar nature or shall be a duly certified public accountant with at least five years' practical

experience in the duties for which he is certified and who, when named or elected as prescribed in subsection (b) of this Code section and when qualified, shall be known and designated as state auditor.

(b) The state auditor shall be elected by the General Assembly in the following manner: A joint resolution which shall fix a definite time for the nomination and election of the state auditor may be introduced in either branch of the General Assembly. Upon passage of the resolution by a majority vote of the membership of the Senate and House of Representatives it shall be the duty of the Speaker of the House of Representatives to call for the nomination and election of the state auditor at the time specified in the resolution, at which time the name of the qualified person receiving a majority vote of the membership of the House of Representatives shall be transmitted to the Senate for confirmation. Upon the qualified person's receiving a majority vote of the membership of the Senate, he shall be declared the duly elected state auditor; and the Governor shall be notified of his election by the Secretary of the Senate. The Governor is directed to administer the oath of office to the state auditor and to furnish the state auditor with a properly executed commission of office certifying his election.

(c) The term of office of the state auditor shall continue until a successor is elected as provided in subsection (b) of this Code section. In the event of a vacancy in the position of state auditor at a time when the General Assembly is not in session it shall be the duty of the Governor and he is empowered and directed to appoint a state auditor possessing the qualifications as provided in subsection (a) of this Code section who shall serve as state auditor until the next regular session of the General Assembly, at which time the nomination and election of a state auditor shall be held by the General Assembly as provided in subsection (b) of this Code section.

(Ga. L. 1923, Ex. Sess., p. 7, Sec. 1; Code 1933, Sec. 40-1801; Ga. L. 1943, p. 361, Sec. 1; Ga. L. 1945, p. 115, Sec. 1.)

50-6-4. Governor or appropriations committees may require special examination. Either the Governor, the Appropriations Committee of the House of Representatives, or the Appropriations Committee of the Senate shall have the right and authority to direct and require the state auditor to make a special examination into and audit of all the books, records, accounts, vouchers, warrants, bills, and other papers, records, financial transactions, and management of any department, institution, agency, commission, bureau, or office of the state at any time.

(Ga. L. 1923, Ex. Sess., p. 7, Sec. 5; Code 1933, Sec. 40-1801)

50-12-75. Designation of overview committees to review and evaluate Aviation Hall of Fame Board. The Industry Committee of the House of Representatives and the Economic Development Committee of the Senate shall act and serve as overview committees of the Georgia Aviation Hall of Fame. The committees shall periodically inquire into and review the operations of the Georgia Aviation Hall of Fame, as well as periodically review and evaluate the success with which the Georgia Aviation Hall of Fame Board is accomplishing its statutory duties and functions as provided in Subpart 1 of this part.

(Code 1981, Sec. 50-12-75, enacted by Ga. L. 1991, p. 1773, S.

50-12-76. State agencies to provide assistance to overview committees upon request; utilization of independent services by committees. The state auditor, the Attorney General, and all other agencies of state government, upon request by the committees, shall assist the committees in the discharge of their duties as set forth in this subpart. The committees may secure the services of independent accountants, engineers, and consultants to assist them in carrying out their duties.

(Code 1981, Sec. 50-12-76, enacted by Ga. L. 1991, p. 1773, S

50-12-77. Reports by overview committees. The Georgia Aviation Hall of Fame Board shall cooperate with the committees, the Attorney General, the state auditor, and other state agencies in order that the charges of the committees, set forth in this subpart, may be timely and efficiently discharged. The board shall submit to the committees such reports and data as the committees shall reasonably require of the board in order that the committees may adequately perform their functions. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the Georgia Aviation Hall of Fame or the Georgia Aviation Hall of Fame Board. The committees shall, on or before the first day of January of each year, and at such other times as they deem necessary, submit to the General Assembly a report of their findings and recommendations based upon the review of the Georgia Aviation Hall of Fame, as set forth in this subpart.

(Code 1981, Sec. 50-12-77, enacted by Ga. L. 1991, p. 1773, S

50-12-78. Criteria to be utilized by committees in evaluating Aviation Hall of Fame Board. In the discharge of their duties, the committees shall evaluate the performance of the Georgia Aviation Hall of Fame Board consistent with the following criteria:

- (1) Prudent, legal, and accountable expenditure of public funds;
- (2) Efficient operation; and
- (3) Performance of its statutory responsibilities.

(Code 1981, Sec. 50-12-78, enacted by Ga. L. 1991, p. 1773, S

50-12-79. Expenditure of funds by overview committees. (a) The committees are authorized to expend state funds available to the committees for the discharge of their duties. Said funds may be used for the purposes of paying for services of independent accountants, engineers, and consultants, and paying all other necessary expenses incurred by the committees in performing their duties.

(b) The members of the committees shall receive the allowances authorized for legislative members of interim legislative committees.

(c) The funds necessary for the purposes of the committees shall come from the funds appropriated to and available to the legislative branch of government.

(Code 1981, Sec. 50-12-79, enacted by Ga. L. 1991, p. 1773, S



50-13-4. Procedural requirements for adoption, amendment, or repeal of rules; emergency rules; limitation on action to contest rule; legislative override. (a) Prior to the adoption, amendment, or repeal of any rule, other than interpretive rules or general statements of policy, the agency shall:

(1) Give at least 30 days' notice of its intended action. The notice shall include an exact copy of the proposed rule and a synopsis of the proposed rule. The synopsis shall be distributed with and in the same manner as the proposed rule. The synopsis shall contain a statement of the purpose and the main features of the proposed rule, and, in the case of a proposed amendatory rule, the synopsis also shall indicate the differences between the existing rule and the proposed rule. The notice shall also include the exact date on which the agency shall consider the adoption of the rule and shall include the time and place in order that interested persons may present their views thereon. The notice shall also contain a citation of the authority pursuant to which the rule is proposed for adoption and, if the proposal is an amendment or repeal of an existing rule, the rule shall be clearly identified. The notice shall be mailed to all persons who have requested in writing that they be placed upon a mailing list which shall be maintained by the agency for advance notice of its rule-making proceedings and who have tendered the actual cost of such mailing as from time to time estimated by the agency;

(2) Afford to all interested persons reasonable opportunity to submit data, views, or arguments, orally or in writing. In the case of substantive rules, opportunity for oral hearing must be granted if requested by 25 persons who will be directly affected by the proposed rule, by a governmental subdivision, or by an association having not less than 25 members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so by an interested person either prior to adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its

(3) In the formulation and adoption of any rule which will have an economic impact on businesses in the state, reduce the economic impact of the rule on small businesses which are independently owned and operated, are not dominant in their field, and employ 100 employees or less by implementing one or more of the following actions when it is legal and feasible in meeting the stated objectives of the statutes which are the basis of the proposed rule:

(A) Establish differing compliance or reporting requirements or timetables for small businesses;

(B) Clarify, consolidate, or simplify the compliance and reporting requirements under the rule for small businesses;

(C) Establish performance rather than design standards for small businesses; or

(D) Exempt small businesses from any or all requirements of the rules; and

(4) In the formulation and adoption of any rule, an agency shall choose an alternative that does not impose excessive

regulatory costs on any regulated person or entity which costs could be reduced by a less expensive alternative that fully accomplishes the stated objectives of the statutes which are the basis of the proposed

(b) If any agency finds that an imminent peril to the public health, safety, or welfare, including but not limited to, summary processes such as quarantines, contrabands, seizures, and the like authorized by law without notice, requires adoption of a rule upon fewer than 30 days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearing or upon any abbreviated notice and hearing that it finds practicable to adopt an emergency rule. Any such rule adopted relative to a public health emergency shall be submitted as promptly as reasonably practicable to the House of Representatives and Senate Committees on Judiciary. The rule may be effective for a period of not longer than 120 days but the adoption of an identical rule under paragraphs (1) and (2) of subsection (a) of this Code section is not precluded; provided, however, that such a rule adopted pursuant to discharge of responsibility under an executive order declaring a state of emergency or disaster exists as a result of a public health emergency, as defined in Code Section 38-3-3, shall be effective for the duration of the emergency or disaster and for a period of not more than 120 days thereafter.

(c) It is the intent of this Code section to establish basic minimum procedural requirements for the adoption, amendment, or repeal of administrative rules. Except for emergency rules which are provided for in subsection (b) of this Code section, the provisions of this Code section are applicable to the exercise of any rule-making authority conferred by any statute, but nothing in this Code section repeals or diminishes additional requirements imposed by law or diminishes or repeals any summary power granted by law to the state or any agency to

(d) No rule adopted after April 3, 1978, shall be valid unless adopted in exact compliance with subsections (a) and (e) of this Code section and in substantial compliance with the remainder of this Code section. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this Code section must be commenced within two years from the effective date of the rule.

(e) The agency shall transmit the notice provided for in paragraph (1) of subsection (a) of this Code section to the legislative counsel. The notice shall be transmitted at least 30 days prior to the date of the agency's intended action. Within three days after receipt of the notice, if possible, the legislative counsel shall furnish the presiding officers of each house with a copy of the notice, and the presiding officers shall assign the notice to the chairperson of the appropriate standing committee in each house for review and any member thereof who makes a standing written request. In the event a presiding officer is unavailable for the purpose of making the assignment within the time limitations, the legislative counsel shall assign the notice to the chairperson of the appropriate standing committee. The legislative counsel shall also transmit within the time limitations provided in this subsection a notice of the assignment to the chairperson of the appropriate standing committee. Each standing committee of the Senate and the House of Representatives is granted all the rights provided for interested persons and governmental subdivisions in paragraph (2) of subsection (a) of this Code section.

(f) In the event a standing committee to which a notice is assigned as provided in subsection (e) of this Code section files an objection to a proposed rule prior to its adoption and the agency adopts the proposed rule over the objection, the rule may be considered by the branch of the General Assembly whose committee objected to its adoption by the introduction of a resolution for the purpose of overriding the rule at any time within the first 30 days of the next regular session of the General Assembly. It shall be the duty of any agency which adopts a proposed rule over such objection so to notify the presiding officers of the Senate and the House of Representatives, the chairmen of the Senate and House committees to which the rule was referred, and the legislative counsel within ten days after the adoption of the rule. In the event the resolution is adopted by such branch of the General Assembly, it shall be immediately transmitted to the other branch of the General Assembly. It shall be the duty of the presiding officer of the other branch of the General Assembly to have such branch, within five days after the receipt of the resolution, to consider the resolution for the purpose of overriding the rule. In the event the resolution is adopted by two-thirds of the votes of each branch of the General Assembly, the rule shall be void on the day after the adoption of the resolution by the second branch of the General Assembly. In the event the resolution is ratified by less than two-thirds of the votes of either branch, the resolution shall be submitted to the Governor for his approval or veto. In the event of his veto, the rule shall remain in effect. In the event of his approval, the rule shall be void on the day after the date of his approval.

(g)(1) Subsection (f) of this Code section shall not apply to the Environmental Protection Division of the Department of Natural Resources, but paragraph (2) of this subsection shall apply to the Environmental Protection Division of the Department of Natural Resources.

(2) In the event the chairman of any standing committee to which a proposed rule relative to the Environmental Protection Division of the Department of Natural Resources is assigned notifies the agency that the committee objects to the adoption of the rule or has questions concerning the purpose, nature, or necessity of the rule, it shall be the duty of the agency to consult with the committee prior to the adoption of the rule.

(h) The provisions of subsections (e) and (f) of this Code section shall apply to any rule of the Department of Human Resources that is promulgated pursuant to Code Section 31-2-7 or 31-45-10, except that the presiding officer of the Senate is directed to assign the notice of such a rule to the chairperson of the Senate Defense, Science and Technology Committee and the presiding officer of the House of Representatives is directed to assign the notice of such a rule to the chairperson of the House Committee on Industry. As used in this subsection, the term 'rule' shall have the same meaning as provided in paragraph (6) of Code Section 50-13-2 and shall include interpretive rules and general statements of policy, notwithstanding any provision of subsection (a) of this Code section to the contrary.

(Ga. L. 1964, p. 338, Sec. 4; Ga. L. 1965, p. 283, Sec. 6; Ga. L. 1977, p. 1520, Secs. 1-4; Ga. L. 1978, p. 1437, Secs. 1-5; Ga. L. 1982, p. 3, Sec. 50; Ga. L. 1984, p. 1219, Sec. 1; Ga. L. 1990, p. 1274, Sec. 1; Ga. L. 1993, p. 1817, Sec. 2; Ga. L. 1994, p. 97, Sec. 50; Ga. L. 1994, p. 503, Sec. 1; Ga. L. 1997, p. 1521, Sec. 1; Ga. L. 2000, p. 549, Sec. 4; Ga. L. 2000, p. 1619, Sec. 2; Ga. L. 2002, p. 1386, Sec. 16.)

50-16-34. Powers and duties of State Properties Commission generally. The commission, in addition to other powers and duties set forth in other Code sections of this article, shall have the power and duty to:

(1) Inspect, control, manage, oversee, and preserve the property;

(2) Maintain at all times a current inventory of the property;

(3) Authorize the payment of any tax or assessment legally levied by the State of Tennessee or any governmental subdivision thereof upon any part of the property situated within the State of Tennessee;

(4) Prepare lease or sale proposals affecting the property for submission to the General Assembly;

(5) Subject to the limitation contained in this article, determine all of the terms and conditions of each instrument prepared or executed by it;

(6) Have prepared, in advance of advertising for bids as provided for in Code Section 50-16-39, a thorough report of such data as will enable the commission to arrive at a fair valuation of the property involved in such advertisement; and to include within the report at least two written appraisals of the value of the property, which appraisals shall be made by a person or persons familiar with property values in the area where the property is situated; provided, however, that one of the appraisals shall be made by a member of a nationally recognized appraisal organization; and provided, further, that in the case of the Western and Atlantic Railroad, the appraisal, other than the one required to be made by a member of a nationally recognized appraisal organization, may be the latest valuation report of the Western and Atlantic Railroad prepared by the Interstate Commerce Commission;

(7) Contract with any person for the preparation of studies or reports as to:

(A) The value of such property including, but not limited to, sale value, lease value, and insurance value;

(B) The proper utilization to be made of such property; and

(C) Any other data necessary or desirable to assist the commission in the execution and performance of its duties;

(8) Insure the improvements on all or any part of the property against loss or damage by fire, lightning, tornado, or other insurable casualty; and insure the contents of the improvements against any such loss or damage;

(9) Inspect as necessary any of the property which may be under a lease, rental agreement, or revocable license agreement in order to determine whether the property is being kept, preserved, cared for, repaired, maintained, used, and operated in accordance with the terms and conditions of the lease, rental agreement, or revocable license agreement and to take such action necessary to correct any violation of the terms and conditions of the lease, rental agreement, or revocable license agreement;

(10) Deal with and dispose of any unauthorized encroachment upon, or use or occupancy of, any part of the property, whether the encroachment, use, or occupancy is permissive or adverse, or whether with or without claim of right therefor; to determine whether the encroachment, use, or occupancy shall be removed or discontinued or whether it shall be permitted to continue and, if so, to what extent and upon what terms and conditions; to adjust, settle, and finally dispose of any controversy that may exist or arise with respect to any such encroachment, use, or occupancy in such manner and upon such terms and conditions as the commission may deem to be in the best interest of the state; to take such action as the commission may deem proper and expedient to cause the removal or discontinuance of any such encroachment, use, or occupancy; and to institute and prosecute for and on behalf of and in the name of the state such actions and other legal proceedings as the commission may deem appropriate for the protection of the state's interest in or the assertion of the state's title to such property;

(11) Settle, adjust, and finally dispose of any claim, dispute, or controversy of any kind whatsoever arising out of the terms and conditions, operation, or expiration of any lease of the property or grant of rights in the property;

(12) Negotiate and prepare for submission to the General Assembly amendments to any existing lease, which amendments shall not, for the purposes of paragraph (4) of this Code section and Code Section 50-16-39, be interpreted as lease proposals or proposals to lease, provided:

(A) That the lessee of the lease as it is to be amended shall be either the lessee, a successor, an assignee, or a sublessee as to all or a portion of the property described in the lease as first executed or as heretofore amended; and

(B) That unless otherwise provided in the lease as first executed or as heretofore amended:

(i) The commission shall prepare each amendment in at least four counterparts all of which shall immediately be signed by the lessee, whose signature shall be witnessed in the manner required by the applicable law for public recording of conveyances of real estate. The signing shall constitute an offer by the lessee and shall not be subject to revocation by the lessee unless it is rejected by the General Assembly or the Governor as provided in this

Code section. A resolution containing an exact copy of the amendment, or to which an exact copy of the amendment is attached, shall be introduced in the General Assembly in either the House of Representatives, the Senate, or both, if then in regular session, or, if not in regular session at such time, at the next regular session of the General Assembly. The resolution, in order to become effective, shall receive the same number of readings and, in both the House of Representatives and the Senate, go through the same processes and procedures as a bill;

(ii) If either the House of Representatives or the Senate fails to adopt (pass) the resolution during the regular session by a constitutional majority vote in each house, the offer shall be considered rejected by the General Assembly;

(iii) If the resolution is adopted (passed) during the regular session by a constitutional majority vote of both the House of Representatives and the Senate but is not approved by the Governor, the offer shall be considered rejected by the Governor;

(iv) If the resolution is adopted (passed) during the regular session by a constitutional majority vote of both the House of Representatives and the Senate and is approved by the Governor, whenever in the judgment of the chairman of the commission all of the precedent terms and conditions of the amendment and the resolution, if there are any, have been fulfilled or complied with, the chairman of the commission, in his capacity as Governor of the state, shall execute and deliver to the lessee the amendment for and on behalf of and in the name of the state. The Governor's signature shall be attested by the secretary of the commission in his capacity as Secretary of State. The Secretary of State shall also affix the great seal of the state to the amendment; and

(v) On or before December 31 in each year the executive director of the State Properties Commission shall submit a report describing all amendments negotiated during that year or under negotiation at the date of the report to the chairmen of the Finance and Public Utilities Committee of the Senate and the State Institutions and Property Committee of the House;

(13) Exercise such other powers and perform such other duties as may be necessary or desirable to inspect, control, manage, oversee, and preserve the property;

(14) Do all things and perform all acts necessary or convenient to carry out the powers and fulfill the duties given to the commission in this article;

(15) Perform all terms including, but not limited to, termination, satisfy all conditions, fulfill all requirements, and discharge all obligations and duties contained in all leases or contracts of sale of the property which provide that the commission is empowered to act or shall act for and on behalf of the state (lessor or seller) and which leases or contracts of sale have heretofore been approved and adopted (passed) or authorized by a resolution of the General Assembly or which leases or contracts of sale may be approved and adopted (passed) or authorized by a resolution of the General Assembly with the latter resolution being approved by the Governor;

(16) Perform all terms, satisfy all conditions, fulfill all requirements, discharge all obligations, and otherwise implement the disposition of real property for and on behalf of the state when the General Assembly so provides in any enactment, including Acts or resolutions, authorizing or directing a disposition of real property of the state or of any instrumentality of the state; and

(17) Provide or perform acquisition related services to or for state agencies, state authorities, and other instrumentalities of the state.

(Code 1933, Secs. 91-104a, 91-104a.1, enacted by Ga. L. 1964, p. 146, Sec. 1; Ga. L. 1965, p. 663, Sec. 3; Ga. L. 1970, p. 455, Sec. 1; Code 1933, Sec. 91-105a, enacted by Ga. L. 1933, p. 857, Sec. 1; Ga. L. 1974, p. 1035, Sec. 1; Ga. L. 1974, p. 1040, Sec. 1, Ga. L. 1975, p. 1092, Sec. 1; Ga. L. 1979, p. 816, Secs. 1, 2; Ga. L. 1982, p. 3, Sec. 50; Ga. L. 1985, p. 1408, Sec. 1; Ga. L. 1985, p. 1423, Sec. 1; Ga. L. 1986, p. 10, Sec. 50; Ga. L. 1988, p. 554, Sec. 1; Ga. L. 1992, p. 6, Sec. 50; Ga. L. 1994, p. 97, Sec. 50.)

50-16-39. Public competitive bidding procedure for sales and leases acceptance or rejection of bids by commission, General Assembly, or Governor; execution of leases and deeds. (a) Any proposal to lease, other than a lease of mineral resources provided for in Code Section 50-16-43, or sell any part of the property pursuant to the power granted by paragraph (4) of Code Section 50-16-34 shall be initiated and carried out in accordance with this Code section.

(b) Any such lease or sale shall be made upon public competitive bidding and the invitation for bids shall be advertised once a week for four consecutive weeks in the legal organ and in one or more newspapers of general circulation in the county or counties wherein is situated the property to be bid upon and in the legal organ of Fulton County, Georgia. Prior to such advertising, the commission shall prepare a proposed form of lease or contract of sale and deed and appropriate instructions which shall be furnished to prospective bidders under such conditions as the commission may prescribe.

(c) Sealed bids shall be submitted to the secretary of the commission and each bid shall be accompanied by a bid bond or such other security as may be prescribed by the commission. All bids shall be opened in public on the date and at the time and place specified in the invitation for bids. The commission shall formally determine and announce which bid and bidder it considers to be most advantageous to the state. The commission shall have the right to reject any or all bids and bidders and the right to waive formalities in bidding.

(d) When the commission formally determines and announces which bid and bidder it considers to be most advantageous to the state, the commission shall then prepare the instrument of lease or contract of sale and deed in at least four counterparts, which lease or contract of sale shall be immediately signed by the prospective lessee or purchaser, whose signature shall be witnessed in the manner required by the applicable law for public recording of conveyances of real estate. The signing shall constitute a bid by the prospective lessee or purchaser and shall not be subject to revocation by the prospective lessee or purchaser unless it is rejected by the General Assembly or the Governor as provided in this Code section. A resolution containing an exact copy of the proposed lease or contract of sale and deed, or to which an exact copy of the proposed lease or contract of sale and deed is attached, shall be introduced in the General Assembly in either the House of Representatives, the Senate, or both, if then in regular session, or, if not in regular session at such time, at the next regular session of the General Assembly. The resolution, in order to become effective, shall receive the same number of readings and, in both the House of Representatives and the Senate, go through the same processes and procedures as a bill.

(e) If either the House of Representatives or the Senate fails to adopt (pass) the resolution during the regular session by a constitutional majority vote in each house, the bid shall be considered rejected by the General Assembly.

(f) If the resolution is adopted (passed) during the regular session by a constitutional majority vote of both the House of Representatives and the Senate but is not approved by the Governor, the bid shall be considered rejected by the Governor.

(g) If the resolution is adopted (passed) during the regular session by a constitutional majority vote of both the House of Representatives and the Senate and is approved by the Governor, the chairman of the commission, in his capacity as Governor of the state, shall execute and deliver to the purchaser the contract of sale for and on behalf of and in the name of the state, and thereupon both parties to the agreement shall be bound thereby. The Governor's signature shall be attested by the secretary of the commission in his capacity as Secretary of State. The Secretary of State shall also affix the great seal of the state to the contract of sale. Whenever, in the judgment of the chairman of the commission, all of the terms and conditions of the contract of sale, or all of the precedent terms and conditions of the lease have been fulfilled or complied with, the chairman of the commission in his capacity as Governor of the state shall execute and deliver to the purchaser or lessee the deed or lease for and on behalf of and in the name of the state. The Governor's signature shall be attested by the secretary of the commission in his capacity as Secretary of State. The Secretary of State shall also affix the great seal of the state to the deed or le



(Code 1933, Sec. 91-109a, enacted by Ga. L. 1964, p. 146, Sec. 1; Ga. L. 1965, p. 663, Sec. 4; Code 1933, Sec. 91-106a, enacted by Ga. L. 1973, p. 857, Sec. 1; Ga. L. 1975, p. 1092, Sec. 1.)

50-18-72. Paragraph (8) of subsection (a) provides that certain records related to the provision of staff services to individual members of the General Assembly by the Legislative and Congressional Reapportionment Office, the Senate Research Office, or the House Research Office are public records for which public disclosure is not

(Ga. L. 1967, p. 455, Sec. 1; Ga. L. 1970, p. 163, Sec. 1; Code 1981, Sec. 50-18-72, enacted by Ga. L. 1982, p. 1789, Sec. 1; Ga. L. 1986, p. 1090, Sec. 2; Ga. L. 1987, p. 377, Sec. 1; Ga. L. 1988, p. 13, Sec. 50; Ga. L. 1988, p. 243, Sec. 3; Ga. L. 1989, p. 553, Sec. 2; Ga. L. 1989, p. 827, Sec. 1; Ga. L. 1990, p. 341, Sec. 1; Ga. L. 1992, p. 1061, Sec. 8; Ga. L. 1993, p. 968, Sec. 1; Ga. L. 1993, p. 1336, Sec. 1; Ga. L. 1993, p. 1669, Sec. 1; Ga. L. 1995, p. 704, Sec. 1; Ga. L. 1996, p. 6, Sec. 50; Ga. L. 1997, p. 1052, Sec. 2; Ga. L. 1998, p. 1652, Sec. 1; Ga. L. 1999, p. 552, Secs. 4, 4.1; Ga. L. 1999, p. 809, Secs. 4, 5; Ga. L. 1999, p. 1222, Secs. 1, 2; Ga. L. 2000, p. 136, Sec. 50; Ga. L. 2000, p. 1556, Secs. 1, 2, Ga. L. 2001, p. 4, Sec. 50; Ga. L. 2001, p. 327, Sec. 1; Ga. L. 2001, p. 331, Sec. 1; Ga. L. 2001, p. 491, Sec. 1; Ga. L. 2001, p. 820, Sec.

50-18-75. Confidentiality of communications between Office of Legislative Counsel and certain persons. Communications between the Office of Legislative Counsel and the following persons shall be privileged and confidential: members of the General Assembly, the Lieutenant Governor, and persons acting on behalf of such public officers; and such communications, and records and work product relating to such communications, shall not be subject to inspection or disclosure under this article or any other law or under judicial process; provided, however, that this privilege shall not apply where it is waived by the affected public officer or officers. The privilege established under this Code section is in addition to any other constitutional, statutory, or common law privilege.

(Code 1981, Sec. 50-18-75, enacted by Ga. L. 1988, p. 243, Sec.

50-25-14. Distribution of legislative information. (a) The authority shall provide for the distribution in electronic format of the legislative information provided to the authority pursuant to Code Section 28-3-24.1. Such information may be made available in a dial-up bulletin board format or in such other formats as may be determined to be appropriate by the authority.

(b) Such legislative information shall be provided free of charge to public schools, their students and faculty, and to public libraries and their patrons. However, the GeorgiaNet Authority is authorized to provide for and collect a charge of \$250.00 per year per computer station to cover its communication costs. When PeachNet becomes available to an individual school or library, such school or library may have the option of connection to PeachNet and may then receive such legislative information from GeorgiaNet through PeachNet free of charge. For this purpose, "free of charge" may include the provision of legislative information without charge. For this purpose, "public schools" may include all schools operated by this state's local public school systems, all units of the University System of Georgia, and all units of the Department of Technical and Adult Education. For this purpose, "public libraries" may include all city, county, and regional public libraries.

(Code 1981, Sec. 50-25-14, enacted by Ga. L. 1995, p. 720, Sec.

50-34-17. OneGeorgia Authority Overview Committee established; duties. (a) There is established the OneGeorgia Authority Overview Committee to be composed of one member of the House of Representatives to be appointed by the Speaker of the House of Representatives, one member of the Senate to be appointed by the President of the Senate, two members of the General Assembly to be appointed by the Governor, and the director of the Legislative Budget Office. The legislative members shall serve for terms as members of the committee concurrent with their terms of office as members of the General Assembly. The first members of the committee shall be appointed by not later than July 1, 2000. Thereafter, their successors shall be appointed during the first 30 days of each regular legislative session which is held immediately following the election of members of the General Assembly.

(b) The Speaker of the House of Representatives shall designate one of the members appointed by the Speaker as chairperson of the committee. The President of the Senate shall designate one of the members appointed by the President of the Senate as vice chairperson of the committee. The members designated as chairperson and vice chairperson shall serve for terms as such officers concurrent with their terms as members of the committee. Other than the chairperson and vice chairperson provided for in this subsection, the committee shall provide for its own organization.

(c) The committee shall periodically inquire into and review the operations, contracts, safety, financing, organization, and structure of the OneGeorgia Authority, as well as periodically review and evaluate the success with which said authority is accomplishing its legislatively created purposes.

(d) The OneGeorgia Authority shall cooperate with the committee and its authorized personnel in order that the committee may efficiently and effectively carry out its duties. The OneGeorgia Authority shall submit to the committee such reports and data as the committee shall reasonably require of said authority in order that the committee may adequately inform itself of the activities of said authority. The committee shall, on or before the first day of January of each year and at such other times as it deems to be in the public interest, submit to the General Assembly a report of its findings and recommendations based upon the review of the operations of the OneGeorgia Authority.

(e) The members of the committee shall receive the same expenses and allowances for their services on the committee as are authorized by law for members of interim legislative study committees.

(f) Nothing in this chapter shall be construed to relieve the OneGeorgia Authority of the responsibilities imposed upon it under this chapter.

(Code 1981, Sec. 50-34-17, enacted by Ga. L. 2000, p. 582, Sec.

APPENDIX

Committees, Boards, and Commissions Which  
Have Representatives as Members or Which  
Have Members Appointed by the House

<u>Committees, Boards, and Commissions</u>	<u>House Membership or Appointments</u>	<u>Official Code of Georgia Annotated Citation</u>
Advisory Board on Anatomical Gift Procurement	Three members of the House to be appointed by the Speaker.	44-5-149
Advisory Committee on Hearing in Newborn Infants	One member from the House appointed by the Speaker.	31-1-3.2
Advisory Council to the Department of Administrative Services on Small Business Assistance	Two representatives of small business enterprises shall be appointed by the Speaker.	50-5-123
Agricultural Commodities Commissions	One producer of the commodity who is not a member of the General Assembly to be elected by the Committee on Agriculture and Consumer Affairs.	2-8-14
Aquaculture Development Commission	Chairman of the Committee on Agriculture and Consumer Affairs.	27-4-253
Atlantic States Marine Fisheries Commission	A legislator who is a member of the Commission on Interstate Cooperation to be designated by the commission.	27-4-211
Awards Committee	Three members who are not elected officials, state employees, or members of their immediate families to be appointed by the Speaker.	50-31-7
Board of Motor Vehicle Safety	Two members appointed by the Speaker.	40-16-3
Board of Public Safety	One member appointed by the Speaker.	35-2-1
Budgetary Responsibility Oversight Committee	Six members of the House appointed by the Speaker.	28-5-5

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COMMITTEES, BOARDS, AND COMMISSIONS

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Center for Trade and Technology Transfer	Two members appointed by the Speaker.	20-3-84
Child Advocate Advisory Council	Two members appointed by the Speaker.	15-11-177
Children and Youth Coordinating Council	One member appointed by the Speaker.	49-5-132
Code Revision Commission	Speaker and four members of the House to be appointed by the Speaker.	28-9-2
Commission on Men's Health	Two members of the House, including the chairperson of the Committee on Health and Ecology or his or her designee, to be appointed by the Speaker.	31-43-4
Commission on the Preservation of the State Capitol	Two members appointed by the Speaker.	50-16-5.1
Conservation Corps Advisory Council	Chairman of the Natural Resources and Environment Committee and two members of the House to be appointed by the Speaker.	12-11-11
Constitutional Amendments Publication Board	Speaker of the House.	50-12-100
Council for School Performance	One public member appointed by the Speaker.	20-2-284
Council on Aging	Two consumer members and two members representing public and private agencies and organizations shall be appointed by the Speaker.	49-6-20
Council on Rural Transportation and Economic Development	Three Representatives appointed by the Speaker.	32-4-23
Council on the Deaf	One member of the House to be appointed by the Governor.	30-1-4
Distance Learning and Telemedicine Network Governing Board	One member of the House to be appointed by the Speaker.	50-5-196
Education Commission of the States	One member of the House to be appointed by the Speaker.	20-6-21

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Environmental Education Council	One member who is not a member of the General Assembly to be appointed by the Speaker.	20-2-322.1
Erosion and Sediment Control Overview Council	One member appointed by the Speaker.	12-7-7.1
Fiscal Affairs Subcommittee of the House of Representatives	Four incumbent members of the House Committee on Appropriations to be selected by the Speaker-Nominate, five incumbent members of the House who were reelected to be selected by the Governor, and the Speaker-of-the-House-Nominate.	28-5-21
Geo. L. Smith II Georgia World Congress Center Authority Committee	Three members of the House to be appointed by the Speaker.	10-9-20
Georgia Agricultural Exposition Authority Overview Committee	Five members of the House to be appointed by the Speaker.	12-3-500
Georgia Airport Development Authority	One member who is not a member of the General Assembly to be appointed by the Speaker.	6-4-5
Georgia Art Policy Committee, Collections and Management Subcommittee	Two members appointed by the House of Representatives.	50-16-5.2
Georgia Athlete Agent Regulatory Commission	Two members to be appointed by the Speaker.	43-4A-3
Georgia Aviation Hall of Fame Overview Committee	The Committee on Industry of the House of Representatives.	50-12-75
Georgia Child Care Council	Two members representing the general public appointed by the President of the Senate and the Speaker.	49-5-241
Georgia Child Fatality Review Panel	One member of the House to be appointed by the Speaker.	19-15-4
Georgia Closing the Achievement Gap Commission	Six members to be appointed by the Speaker.	20-2-286

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Georgia Commission on Interstate Cooperation	The five members of the House Committee on Interstate Cooperation.	28-6-2
Georgia Commission on the Holocaust	Five public members appointed by the Speaker.	50-12-131
Georgia Commission on Women	Five members appointed by the Speaker.	50-12-80
Georgia Criminal Justice Improvement Council	The Speaker, the chairmen of the House Committees on Judiciary, Special Judiciary, Public Safety, and State Institutions and Property, and two members of the House to be appointed by the Speaker.	28-8-1
Georgia Education Leadership Academy Advisory Board	Two Representatives of the House to be appointed by the Speaker.	20-2-231
Georgia Environmental Training and Education Authority	Two members to be appointed by the Speaker.	50-35-3
Georgia General Assembly Training Institute Board	Three Representatives appointed by the Legislative Services Committee.	28-11-6
Georgia Golf Hall of Fame Authority	Three members appointed by the Speaker.	12-3-582
Georgia Hazardous Waste Management Authority	Two appointees of the Speaker.	12-8-102
Georgia Institute for Community Business Development of the State of Georgia	Three members appointed by the Speaker.	50-30-5
Georgia Lottery Corporation Legislative Oversight Committee	House Committee on Industry.	50-27-34
Georgia Medical Center Authority	Two members appointed by the Speaker.	20-15-3
Georgia Medical Center Authority Overview Committee	Three members of the House to be appointed by the Speaker.	20-15-15
Georgia Music Hall of Fame Authority Overview Committee	Five members of the House to be appointed by the Speaker.	12-3-550

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COMMITTEES, BOARDS, AND COMMISSIONS

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Georgia Occupational Regulation Review Council	Chairperson of the legislative committee of reference or a designee.	43-1A-4
Georgia Rail Passenger Authority Overview Committee	Five members of the House to be appointed by the Speaker.	28-10-1
Georgia Sports Hall of Fame Authority	Three members appointed by the Speaker.	12-3-562
Georgia State Financing and Investment Commission	Speaker of the House.	Ga. Constitution Art. VII, Sec. IV, Para. VII
Georgia State Games Commission	Two members from the state at large to be appointed by the Speaker.	50-12-43
Georgia Technology Authority	Two members appointed by the Speaker.	50-25-2
Georgia Technology Authority Overview Committee	Three members of the House appointed by the Speaker.	50-25-15
Georgia Tobacco Community Development Board Overview Committee	Three members of the House to be appointed by the Speaker.	2-18-5
House Committee on Interstate Cooperation	Five members of the House to be designated by the Speaker and the Speaker as an honorary nonvoting member.	28-6-1
Interstate Rail Passenger Advisory Council	One member appointed by the Speaker.	32-11-5
Legislative Services Committee	Speaker, chairman of the Committee on Appropriations, chairman of the Committee on Judiciary, chairman of the Committee on Ways and Means, Speaker Pro Tempore, majority leader, minority leader, and the Clerk of the House.	28-4-1
Metropolitan Atlanta Rapid Transit Overview Committee	Chairpersons of the State Planning and Community Affairs and Ways and Means Committees; two members of the House appointed by the Speaker;	Ga. L. 1973, p. 70, as amended

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COMMITTEES, BOARDS, AND COMMISSIONS

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and three members of the House appointed by the Governor.

Metropolitan North Georgia Water Planning District Governing Board	Two members appointed by the Speaker.	12-5-575
North Georgia College Military Scholarships Selection Committee	Chairperson of the House Higher Education Committee or his or her designee from that committee.	20-3-423
One Georgia Authority Overview Committee	One member of the House appointed by the Speaker, two members of the General Assembly appointed by the Governor.	50-34-17
Presidential Candidate Selection Committee	Speaker of the House and the minority leader of the House.	21-2-193
Recreational Authority Overview Committee	Three members of the House appointed by the Speaker.	12-3-20
Recycling Market Development Council	One member appointed by the Speaker.	12-8-33
Roadside Enhancement And Beautification Council	Chairman of the House Committee on Transportation.	32-6-75.1
Seed Development Commission Advisory Board	Chairman of the Committee on Agriculture and Consumer Affairs or the chairman's designee.	2-4-7
Small Business Stationary Source Technical and Environmental Compliance Advisory Panel	One member appointed by majority leader and one member appointed by minority leader.	12-9-25
Southeastern Interstate Forest Fire Protection Compact Advisory Committee	One member of the House designated by the Georgia Commission on Interstate Cooperation.	12-10-62
Southern Dairy Compact Commission	One member appointed by the Speaker of the House.	2-20-2
Southern Growth Policies Board	One member of the House to be appointed by the Speaker.	12-10-20



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Southern States Energy Board	One member of the House to be appointed by the Speaker and one member to be appointed as an alternate.	12-10-2
State Commission on Compensation	Two members shall be appointed by the Speaker, at least one of whom shall be experienced in labor- management relations. Officers and employees of the state are not eligible.	45-7-91
State Commission on Family Violence	Three members of the House to be appointed by the Speaker.	19-13-32
State Election Board	An elector to be elected by a majority vote of the House at the regular session in each odd- numbered year.	21-2-30
State Ethics Commission	One citizen to be appointed by the Speaker.	21-5-4
State Personnel Oversight Commission	Three members to be appointed by the Speaker.	45-24-3
State Properties Commission	Three citizens to be appointed by the Speaker.	50-16-32
State Road and Tollway Authority	One member to be appointed by the Speaker.	32-10-62
State Transportation Board	One member from each Congressional district to be elected by a caucus of the members of the House and Senate whose districts are embraced within the Congressional district.	32-2-20
State Waste-water Privatization Oversight Committee	One member appointed by the Speaker	12-5-23.3
State-wide Child Abuse Prevention Panel	One member of the House to be appointed by the Speaker.	19-15-4
Tobacco Advisory Board	Three members of the House who are tobacco producers or who represent tobacco- producing counties and	10-4-110

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who are to be appointed by  
the Speaker.

Twenty-first Century Voting Commission	Two members appointed by the Speaker.	21-2-301
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Workers' Compensation Advisory Council	Three members of the House to be appointed by the Speaker.	34-9-40.1
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